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Washington, Thursday, October 20, 1955

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 63]

#### PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

##### SUBPART B—VESICULAR EXANTHEMA

###### CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134) which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (9) of paragraph (a) relating to San Diego County in California, is deleted.

2. Subparagraph (1) of paragraph (a), relating to California, is amended to read:

(1) E. ½ Sec. 13, T. 3S., R. 3W., MDBM; and that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8-15, in Alameda County.

3. New subdivisions (xiii) and (xiv) are added to subparagraph (11) of para-

graph (d), relating to Monmouth County in New Jersey, to read:

(xiii) That part of Marlboro Township lying south and west of the south fork of Deep Run Branch, north of Robertsville-Herberts Corner Road, and east of Old Tennent Road; and

(xiv) That part of Atlantic Township lying east of Hocklockson Brook, south of Hocklockson Road, west of Pine Brook, and north of the Naval Ammunition Depot.

**Effective date.** The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of October 1955.

[SEAL]      M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F. R. Doc. 55-8507; Filed, Oct. 19, 1955; 8:52 a. m.]

## CONTENTS

Agricultural Marketing Service	Page
Proposed rule making:	
Milk handling in Minneapolis-St. Paul, Minn., marketing area.....	7905
Agricultural Research Service	
Rules and regulations:	
Quarantine:	
Hog cholera, swine plague, and other communicable swine diseases.....	7937
Scrapie in sheep.....	7938
Agriculture Department	
See Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.	
Alien Property Office	
Notices:	
Intentions to return vested property.....	
Buoniello, Antonetta, et al.....	7924
Nussbaum, Adolf.....	7924
Wachtel, Otto.....	7924
Wederitsch, Johann, et al.....	7924
Werf Conrad en Stork Hirsch N. V.....	7924
Civil Aeronautics Administration	
Rules and regulations:	
Civil airways, designation of; alterations.....	7939
Control areas, designation of; alterations.....	7900
Restricted areas, designation of; alterations:	
Utah.....	7902
Arizona.....	7932
Civil Aeronautics Board	
Notices:	
Central Airlines, Inc., hearing on permanent certification case.....	7923
Commerce Department	
See also Civil Aeronautics Administration.	
Notices:	
National civil defense program assistance; redelegations of authority.....	7920



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### CONTENTS—Continued

Commodity Stabilization Service	Page
Proposed rule making:	
Tobacco; marketing quotas; cigar filler and binder, burley and flue-cured, fire-cured, dark air-cured, Virginia sun- cured.....	7918
<b>Defense Department</b>	
Rules and regulations:	
Rifle practice, promotion of; target practice.....	7903
<b>Federal Power Commission</b>	
Notices:	
United Fuel Gas Co. and Atlan- tic Seaboard Corp., hearing--	7923

### CONTENTS—Continued

Food and Drug Administration	Page
Rules and regulations:	
Tolerances and exemptions for pesticide chemicals in or on raw agricultural commodi- ties:	
Maneb residues.....	7902
Malathion residues.....	7903
<b>General Services Administration</b>	
Rules and regulations:	
Mica regulation: Purchase pro- grams for domestic mica; prices and payment.....	7904
<b>Health, Education, and Welfare Department</b>	
See Food and Drug Administra- tion.	
<b>Interior Department</b>	
See Land Management Bureau.	
<b>Interstate Commerce Commis- sion</b>	
Notices:	
Fourth section applications for relief.....	7923
Rules and regulations:	
Vehicles, lease and interchange; augmenting equipment.....	7905
<b>Justice Department</b>	
See Alien Property Office.	
<b>Labor Department</b>	
See Wage and Hour Division.	
<b>Land Management Bureau</b>	
Notices:	
Arizona; small tract classifica- tion.....	7921
California, opening of public lands (2 documents).....	7921, 7922
New Mexico; proposed with- drawal and reservation of lands.....	7921
Washington; proposed with- drawal and reservation of lands.....	7922
Wisconsin; filing of plat of sur- vey and opening of public lands.....	7922
Rules and regulations:	
Alaska, amendment of public land order.....	7904
Nebraska, public land order.....	7904
Rights-of-way, tramroads de- fined; special provisions for temporary rights-of-way.....	7904
<b>Securities and Exchange Com- mission</b>	
Proposed rule making:	
General rules and regulations, Securities Act of 1933.....	7919
<b>Wage and Hour Division</b>	
Notices:	
Learner employment certifi- cates; issuance to various in- dustries.....	7922

### CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter VII.	
Part 723 (proposed).....	7918
Part 725 (proposed).....	7918

### CODIFICATION GUIDE—Con.

Title 7—Continued	Page
Chapter VII—Continued	
Part 726 (proposed).....	7918
Part 727 (proposed).....	7918
Chapter IX.	
Part 973 (proposed).....	7905
<b>Title 9</b>	
Chapter I:	
Part 76.....	7897
Part 79.....	7898
<b>Title 14</b>	
Chapter II.	
Part 600.....	7899
Part 601.....	7900
Part 608 (2 documents).....	7902
<b>Title 17</b>	
Chapter II.	
Part 230 (proposed).....	7910
<b>Title 21</b>	
Chapter I:	
Part 120 (2 documents)....	7902, 7903
<b>Title 32</b>	
Chapter V.	
Part 543.....	7903
<b>Title 32A</b>	
Chapter XIV (GSA)	
Reg. 7.....	7904
<b>Title 43</b>	
Chapter I.	
Part 244.....	7904
Appendix (Public land orders)	
1212 (amended by misc. 33331).....	7904
1236.....	7904
<b>Title 49</b>	
Chapter I.	
Part 207.....	7905

[B. A. I. Order 384, Amdt. 8]

PART 79—SCRAPLE IN SHEEP

RELEASE OF AREA FROM QUARANTINE

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations (19 F. R. 7338, 20 F. R. 738) which contains a notice and quarantine with respect to the communicable disease of sheep known as scrapie, is hereby revoked.

**Effective date.** The foregoing amendment shall become effective upon issuance.

The amendment revokes the designation of an area is Buckskin Township in Ross County in Ohio as an area in which scrapie exists and revokes the quarantine imposed upon such area because of said disease. Hereafter, none of the restrictions of the regulations in 9 CFR, 1954 Supp., Part 79, as amended, apply with respect to movements of sheep from such area.

The amendment relieves restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative

Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of October 1955.

[SEAL] M. R. CLARKSON,  
Acting Administrator  
Agricultural Research Service.

[F. R. Doc. 55-8506; Filed, Oct. 19, 1955;  
8:52 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amtd. 63]

#### PART 600—DESIGNATION OF CIVIL AIRWAYS ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended between Hartford, Conn., and Boston, Mass., to read: "Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range and the Bedford, Mass., nondirectional radio beacon (located at Lat. 42°28'47", Long. 71°23'21") with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station;"

2. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the last portion to read: "Providence, R. I., radio range station via the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range and the southwest course of the Boston radio range and the Bedford, Mass., nondirectional radio beacon (located at Lat. 42°28'47" Long. 71°23'21") with the west course of the Boston, Mass., radio range."

3. Section 600.687 is amended to read:

§ 600.687 *Blue civil airway No. 37 (Lexington, Ky., to Dayton, Ohio)* From the Lexington, Ky., nondirectional radio beacon via the Cincinnati, Ohio, radio range station; the intersection of the northeast course of the Cincinnati,

Ohio, radio range and the south course of the Wright-Patterson AFB, Dayton, Ohio, radio range; Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the north course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range.

4. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing all between the Topeka, Kans., omnirange station and the St. Louis, Mo., omnirange station to read: "Topeka, Kans., omnirange station, including a south alternate; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the Blue Springs, Mo., omnirange station thence via the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate;" and by adding a new last sentence to read: "The portions of this airway which overlap the Lake City Restricted Area (R-307) are excluded."

5. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all between the Battle Mountain, Nev., omnirange station and the Ogden, Utah, omnirange station to read: "Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; Lucin, Utah, omnirange station; Ogden, Utah, omnirange station;"

6. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by deleting the following words: "Kansas City, Mo., omnirange station, including a north alternate;" and substituting the following words in lieu thereof: "Kansas City, Mo., omnirange station;"

7. Section 600.6011 *VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.)* is amended by changing the portion which reads: "Evansville, Ind., omnirange station; Scotland, Ind., omnirange station;" to read: "Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 049° True and the Scotland omnirange 188° True radials;"

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing all between the Winslow, Ariz., omnirange station;" to read: "Evansville, Ind., omnirange station to read: "Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials;

Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station;" by changing all between the Emporia, Kans., omnirange station and the Columbia, Mo., omnirange station to read: "Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 046° True and the Emporia omnirange 253° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials;"

9. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by deleting the following words: "Kansas City, Mo., omnirange station, including an east alternate;" and substituting the following words in lieu thereof: "Kansas City, Mo., omnirange station;"

10. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing all after the Portland (Manor) Oreg., omnirange station to read: "Portland (Manor) Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland omnirange 247° True radials; intersection of the Portland omnirange 353° True and the Seattle omnirange 197° True radials, excluding the portion which overlaps the Fort Lewis restricted area (R-244) Seattle, Wash., omnirange station, including a west alternate from the Portland omnirange station to the Seattle omnirange station via the intersection of the Portland omnirange 353° True and the Olympia omnirange 165° True radials, the Olympia, Wash., omnirange station and the point of intersection of the Olympia omnirange 337° True and the Seattle omnirange 247° True radials; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the United States-Canadian Border via the Bellingham omnirange 304° True radial."

11. Section 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing all before the Paso Robles, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station;"

12. Section 600.6027 is amended by changing the caption to read: "VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)" and by changing all before the Salinas, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange

134° True radials; Salinas, Calif., omnirange station;"

13. Section 600.6032 is amended to read:

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger Wyo.)* From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Bonneville, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Bonneville omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

14. Section 600.6039 is amended by changing the caption to read: "*VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)*" and by changing the first portion to read: "From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station; to the point of intersection of the Herndon omnirange 045° True and the Baltimore omnirange 281° True radials."

15. Section 600.6069 is amended to read:

§ 600.6069 *VOR civil airway No. 69 (Little Rock, Ark., to Chicago, Ill.)* From the Little Rock, Ark., omnirange station via the intersection of the Little Rock omnirange 062° True and the Walnut Ridge omnirange 186° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

16. Section 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.)* is amended by changing the last portion to read: "From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 301° True and the Butler omnirange 178° True radials; to the Kansas City, Mo., omnirange station."

17. Section 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio)* is amended by changing all between the Vichy, Mo., omnirange station and the Scotland, Ind., omnirange station to read: "Vichy, Mo., omnirange station; to the point of intersection of the Vichy omnirange 084° True and the St. Louis, Mo., omnirange 170° True radials. From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; Scotland, Ind., omnirange station;"

18. Section 600.6107 is amended to read:

§ 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 301° True and the Fillmore omnirange 163° True radials;

Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

19. Section 600.6161 is amended to read:

§ 600.6161 *VOR civil airway No. 161 (Tulsa, Okla., to Minneapolis, Minn.)* From the Tulsa, Okla., omnirange station via the Butler, Mo., omnirange station; Blue Springs, Mo., omnirange station; intersection of the Blue Springs omnirange 016° True and the Lamoni omnirange 175° True radials; Lamoni, Iowa, omnirange station; Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 350° True and the Minneapolis-St. Paul International Airport ILS localizer 121° True course, to the Minneapolis-St. Paul, Minn., International Airport ILS localizer. The portions of this airway which overlap the Lake City Restricted Area (R-307) are excluded.

20. Section 600.6174 *VOR civil airway No. 174 (St. Louis, Mo., to Washington, D. C.)* is amended by changing the portion between the York, Ky., omnirange station and the Front Royal, Va., omnirange station to read: "York, Ky., omnirange station; intersection of the York omnirange 076° True and the Elkins omnirange 270° True radials; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station;"

21. Section 600.6176 is amended to read:

§ 600.6176 *VOR civil airway No. 176 (Centralia, Ill., to Scotland, Ind.)* From the Centralia, Ill., omnirange station via the intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; to the Scotland, Ind., omnirange station.

22. Section 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Chicago, Ill.)* is amended by changing all before the Troy, Ill., omnirange station to read: "From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station;"

23. Section 600.6204 is added to read:

§ 600.6204 *VOR civil airway No. 204 (Hoquiam, Wash., to Olympia, Wash.)* From the Hoquiam, Wash., omnirange station to the Olympia, Wash., omnirange station, excluding the airspace above 14,500 feet above mean sea level.

24. Section 600.6205 is added to read:

§ 600.6205 *VOR civil airway No. 205 (Springfield, Mo., to Kansas City, Mo.)* From the Springfield, Mo., omnirange station via the Blue Springs, Mo., omnirange station, including a west alternate via the intersection of the Springfield omnirange 316° True and the Blue Springs omnirange 178° True radials; to the Kansas City, Mo., omnirange station. The portion of this airway which over-

laps the Lake City Restricted Area (R-307) is excluded.

25. Section 600.6206 is added to read:

§ 600.6206 *VOR civil airway No. 206 (Blue Springs, Mo., to Kirksville, Mo.)* From the Blue Springs, Mo., omnirange station via the intersection of the Blue Springs omnirange 056° True and the Kirksville omnirange 225° True radials; to the Kirksville, Mo., omnirange station. The portion of this airway which overlaps the Lake City Restricted Area (R-307) is excluded.

26. Section 600.6209 is added to read:

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.)* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles, omnirange 301° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 3, 1955.

[SEAL]

S. A. KEMP,  
Acting Administrator  
of Civil Aeronautics.

[F R. Doc. 55-8477; Filed, Oct. 19, 1955; 8:45 a. m.]

[Amdt. 63]

#### PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

##### ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1015 is amended to read:

§ 601.1015 *Control area extension (Greenwood, Miss.)* Within 5 miles either side of the east course of the Greenwood radio range extending from the radio range station to a point 20 miles east and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west; within 5 miles either side of the 246° True and 66° True radials of the Greenwood omnirange extending to a point 20 miles southwest and northeast of the omnirange station.

2. Section 601.1021 is amended to read:

§ 601.1021 *Control area extension (Belleville, Ill.)* That airspace within a 40-mile radius of Scott AFB, Belleville, Ill.

3. Section 601.1037 is amended to read:

§ 601.1037 *Control area extension (Pensacola, Fla.)* That airspace within 8 miles east of and 5 miles west of the north and south courses of the Pensacola radio range extending from the radio range station to points 25 miles north and 12 miles south.

4. Section 601.1050 is amended to read:

§ 601.1050 *Control area extension (Bakersfield, Calif.)* Within 5 miles either side of the southwest course of the Bakersfield radio range extending from the radio range station to a point 25 miles southwest including the airspace in the northwest quadrant of the radio range bounded on the northeast by VOR civil airway No. 137 and on the west by VOR civil airway No. 107.

5. Section 601.1275 is amended to read:

§ 601.1275 *Control area extension (Fairbanks, Alaska)* Within 5 miles either side of the Fairbanks ILS localizer course extending from the localizer to a point 25 miles northeast; within 5 miles either side of the east course of the Fairbanks radio range extending from the radio range station to a point 25 miles east of the Chena, Alaska nondirectional radio beacon.

6. Section 601.1281 is amended to read:

§ 601.1281 *Control area extension (Pueblo, Colo.)* That airspace within a 25-mile radius of the Pueblo radio range station lying in the northeast and southeast quadrants of the radio range.

7. Section 601.1298 is amended to read:

§ 601.1298 *Control area extension (Promontory Point, Utah)* That airspace bounded on the north by VOR civil airway No. 6, on the east by VOR civil airway No. 21, on the south by VOR civil airway No. 32 and on the west by a line extending from Lat. 40°51'30" Long. 112°56'30" to Lat. 41°00'00" Long. 112°56'30" to Lat. 41°00'00" Long. 112°45'00" to Lat. 41°12'25", Long. 112°45'00"

8. Section 601.1352 is amended to read:

§ 601.1352 *Control area extension (Sedalia, Mo.)* That airspace within a 35-mile radius of Whiteman AFB bounded on the north by VOR civil airway No. 4-S, excluding the portion northwest of Sedalia bounded on the north by VOR civil airway No. 4-S, on the east by Long. 93°45'00" on the south by Lat. 38°45'00" and on the west by the Kansas City control area extension, and excluding the portion northeast of Sedalia bounded on the north by VOR civil airway No. 4-S, on the east by Long. 93°00'00" on the south by Lat. 38°45'00" and on the west by Long. 93°15'00"

9. Section 601.1383 is added to read:

§ 601.1383 *Control area extension (Guam Island)* All of the airspace from 700 feet upwards within a radius of 100

nautical miles of the Guam radio range station extending clockwise from the west course of the radio range to the southeast course of the radio range and within a radius of 25 nautical miles of the Guam radio range extending clockwise from the southeast course of the radio range to the west course of the radio range, excluding the portions which overlap Restricted Areas R-474 and R-478 and Warning Areas W-473, W-475 and W-479.

10. Section 601.1390 is added to read:

§ 601.1390 *Control area extension (Oahu-Molokai, T. H.)* All of the airspace from 700 feet upwards bounded by a line extending from Lat. 21°26'00" N., Long. 157°37'45" W., to Lat. 21°55'00" N., Long. 156°42'45" W to Lat. 21°10'00" N., Long. 157°26'15" W., to Lat. 21°14'30" N., Long. 157°36'15" to point of beginning including Hawaiian VOR civil airway No. 7.

11. Section 601.2066 is amended to read:

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5-mile radius of Pueblo Municipal Airport, within 5 miles either side of a direct line extending from the center of Pueblo Municipal Airport to the Pueblo radio range station to include a 5-mile radius of the Pueblo radio range station, within 2 miles either side of the southeast course of the radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 271° and 91° True radials of the Pueblo omnirange extending from the Pueblo Municipal Airport five mile radius zone to a point 10 miles east of the omnirange station.

12. Section 601.2103 is amended to read:

§ 601.2103 *(Grand Rapids, Mich., control zone)* Within a 6-mile radius of Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range extending from the radio range station to a point 12 miles southeast.

13. Section 601.2146 is amended to read:

§ 601.2146 *Greenwood, Miss., control zone.* Within a 5-mile radius of the Greenwood Municipal Airport, within 2 miles either side of the east course of the radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 246° True radial of the Greenwood omnirange extending from the omnirange station to a point 10 miles southwest.

14. Section 601.2265 is amended to read:

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone.* Within a 5-mile radius of Patterson Field including a 5-mile radius of Wright Field, within 2 miles either side of the south course of the Wright-Patterson AFB radio range extending from the radio range station to the Fairfield Fan Marker and within 2 miles either side of a 31° True bearing extending from the Wright-Patterson AFB radio range to a point 10 miles northeast of Patterson Field.

15. Section 601.2363 is added to read:

§ 601.2363 *Sault Ste. Marie, Mich., control zone.* That airspace over United States territory within a 5-mile radius of the Sault Ste. Marie Municipal Airport and within 2 miles either side of the southeast course of the Sault Ste. Marie radio range extending from the radio range station to a point 12 miles southeast.

16. Section 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range;"

17. Section 601.6004 is amended to read:

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.)* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Topeka, Kans., omnirange station and the Columbia, Mo., omnirange station.

18. Section 601.6023 is amended to read:

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.)* All of VOR civil airway No. 23 including an east alternate and west alternates, but excluding the airspace between the main airway and its west alternate between the Portland, Oreg., omnirange station and the Seattle, Wash., omnirange station.

19. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.)* All of VOR civil airway No. 27 including east and west alternates.

20. Section 601.6039 is amended to read:

§ 601.6039 *VOR civil airway No. 39 control areas (South Boston, Va., to Kennebunk, Maine)* All of VOR civil airway No. 39.

21. Section 601.6069 is amended to read:

§ 601.6069 *VOR civil airway No. 69 control areas (Little Rock, Ark., to Chicago, Ill.)* All of VOR civil airway No. 69.

22. Section 601.6071 is amended to read:

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.)* All of VOR civil airway No. 71 including a west alternate.

23. Section 601.6161 is amended to read:

§ 601.6161 *VOR civil airway No. 161 control areas (Tulsa, Okla., to Minneapolis, Minn.)* All of VOR civil airway No. 161.

24. Section 601.6176 is amended to read:

§ 601.6176 *VOR civil airway No. 176 control areas (Centralia, Ill., to Scotland, Ind.)* All of VOR civil airway No. 176.

25. Section 601.6204 is added to read:

§ 601.6204 *VOR civil airway No. 204 control areas (Hoquiam, Wash., to Olympia, Wash.)* All of VOR civil airway No. 204.

26. Section 601.6205 is added to read:

§ 601.6205 *VOR civil airway No. 205 control areas (Springfield, Mo., to Kansas City, Mo.)* All of VOR civil airway No. 205.

27. Section 601.6206 is added to read:

§ 601.6206 *VOR civil airway No. 206 control areas (Blue Springs, Mo., to Kirksville, Mo.)* All of VOR civil airway No. 206.

28. Section 601.6209 is added to read:

§ 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., to Paso Robles, Calif.)* All of VOR civil airway No. 209.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 3, 1955.

[SEAL] S. A. KEMP,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 55-8478; Filed, Oct. 19, 1955; 8:45 a. m.]

[Amdt. 137]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, the Sahuarita, Arizona, area (R-310 formerly D-310) amended on January 24, 1952, in 17 F. R. 715, is further amended by changing the "Time of Designation" column to read: "Days Only."

2. In § 608.12, the Willcox Dry Lake, Arizona, area (R-311 formerly D-311), amended on July 7, 1953, in 18 F. R. 3561, is further amended by changing the "Time of Designation" column to read: "Days Only."

3. In § 608.12, the Fort Huachuca, Arizona, area (R-181 formerly D-181), published on October 6, 1951, in 16 F. R. 10204, is amended by changing the "Description by Geographical Coordinates" column to read: Beginning at latitude 31°37'00" longitude 110°05'00" thence to latitude 31°29'00" longitude 110°05'00" thence to latitude 31°29'00", longi-

tude 110°26'00" thence to latitude 31°30'30" longitude 110°26'00" thence to latitude 31°31'40" longitude 110°26'40" thence to latitude 31°36'40", longitude 110°26'40" thence to latitude 31°41'40" longitude 110°15'00" thence to latitude 31°41'40" longitude 110°13'30" thence to point of beginning.

4. In § 608.21, the Glenview, Illinois, area (R-76 formerly D-76) published on July 16, 1949, in 14 F. R. 4290, is amended by changing the "Description by Geographical Coordinates" column to read: Beginning at latitude 42°35'00" longitude 87°33'00" thence South to latitude 42°19'50" longitude 87°33'00" thence Southwest to latitude 42°17'50" longitude 87°47'30" thence North to latitude 42°35'00" longitude 87°47'30" thence to point of beginning. Also by changing the "Designated Altitudes" column to read: "Surface to Unlimited"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 27, 1955.

[SEAL] S. A. KEMP  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 55-8479; Filed, Oct. 19, 1955; 8:46 a. m.]

[Amdt. 138]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordi-

Name and location (chart)	Designation by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
LEON (R-490) (Huntington).	Beginning at latitude 38°44'35", longitude 82°02'24" thence to latitude 38°43'28" longitude 82°00'40" thence to latitude 38°42'07" longitude 82°01'15" thence to latitude 38°43'17" longitude 82°03'50" thence to latitude 38°44'35" longitude 82°02'24"	Surface to unlimited.	Sunrisetosunset.	Naval Ordnance Plant, Charleston, W. Va.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 3, 1955.

[SEAL] S. A. KEMP,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 55-8480; Filed, Oct. 19, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MANEB (MANGANESE ETHYLENEBISDITHIOCARBAMATE)

A petition was filed with the Food and Drug Administration requesting the es-

ablishment of tolerances for residues of maneb (manganese ethylenebisdithiocarbamate) in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g), 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as follows:

1. Section 120.101 (c) (4) is amended to read as follows:

1. In § 608.52, the Wendover, Utah, area (R-258) amended on July 2, 1955, in 20 F. R. 4714 is further amended by changing the "Description by geographical coordinates" column to read: "Beginning at latitude 41°10'40", longitude 112°45'00" thence to latitude 41°00'00", longitude 112°45'00" thence to latitude 41°00'00", longitude 112°56'30", thence to latitude 40°51'30", longitude 112°56'30" thence to latitude 40°48'30", longitude 113°40'00", thence to latitude 41°15'00" longitude 113°43'50", thence to point of beginning.

2. In § 608.18, the Pensacola, Florida, area (R-154 formerly D-154) amended on August 27, 1954, in 19 F. R. 5476, is further amended by changing the "Description by geographical coordinates" column to read: "Bound on the north by the Florida Coastline; bound on the south by a line 3 nautical miles from and parallel to the Florida Coastline; bound on the east by longitude 86°48'00"; bound on the west by the revised Pensacola Control Area and including the area within a circle of a 2 mile radius centered at latitude 30°22'00", longitude 86°58'30"

3. In § 608.56, a Leon, West Virginia, area (R-490) is added to read:

1. Section 120.101 (c) (4) is amended to read as follows:

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1. Section 120.101 (c) (4) is amended to read as follows:

(4) For the purposes of this section, in those cases where the same numerical tolerance is established for more than one metallic dithiocarbamate (ferbam, maneb, ziram, or zineb) on a raw agricultural commodity, the total amount of metallic dithiocarbamate residues on such commodity, when calculated as zinc ethylenedisithiocarbamate, shall not exceed the tolerance established for each metallic dithiocarbamate.

2. Part 120 is amended by adding the following new section:

§ 120.110 *Tolerances for residues of maneb (manganese ethylenedisithiocarbamate)* Tolerances for residues of maneb (manganese ethylenedisithiocarbamate) calculated as zinc ethylenedisithiocarbamate, are established as follows:

(a) 7 parts per million in or on apples, beans, carrots (with or without tops) or carrot tops, celery, cranberries, cucumbers, eggplant, figs, grapes, melons, onions, peaches, peppers, spinach, summer squash, tomatoes, and winter squash.

(b) 0.1 part per million in or on almonds and potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: October 14, 1955.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 55-8481; Filed, Oct. 19, 1955; 8:46 a. m.]

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on certain raw agricultural commodities. Subsequently, the petitioner withdrew barley, citrus, guavas, oats, pasture grass, pecans, walnuts, and wheat from the list of raw agricultural commodities on which tolerances had been requested.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g), 20 F. R. 759), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 20 F. R. 1473) are amended as hereinafter indicated:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, paragraph (c) (5) (ii) is amended by inserting immediately following the name "EPN" in the list of organic phosphates the name "Malathion."

2. Part 120 is amended by adding the following new section:

§ 120.111 *Tolerances for residues of malathion.* A tolerance of 8 parts per million is established for residues of malathion (0, 0-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities: Alfalfa, apples, apricots, avocados, snap beans, beets (including tops) blueberries, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, clover, cranberries, cucumbers, dates, eggplants, grapes, kale, lettuce, mangoes, melons, mustard greens, onions (including green onions), passion fruit, peaches, peas, pears, peppers, pineapples, plums, potatoes, prunes, rutabagas, spinach, squash (both summer and winter squash), strawberries, tomatoes, turnips (including tops)

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 14, 1955.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 55-8511; Filed, Oct. 18, 1955; 12:32 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter C—Military Education

#### PART 543—PROMOTION OF RIFLE PRACTICE

##### TARGET EQUIPMENT

Section 543.6 is revised to read as follows:

§ 543.6 *Targets and target equipment*—(a) *National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under Section 55c, National Defense Act*—(1) *General provisions.* (i) The types of target materiel authorized for the Regular Army are also prescribed for use in target practice by the National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, provided that no issues or expenditures of target materiel for these purposes will be made until the officer responsible is assured that funds are available, for the payment in full for all items designated as reimbursable in Ordnance Department Field Service Bulletins or in similar US Air Forces instructions, and expenses incident to the issue of target materiel, and the repair of any damage to Regular Army target materiel incident to its use by these components and auxiliaries.

(ii) Funds to provide target materiel for the Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, and the National Guard are allocated to the commanding generals of the areas, territorial commanders and headquarters, US Air Forces, and to the commanders of exempted stations. If definite instructions have not been received by the officers immediately responsible for the issue, expenditure, or use of target materiel from the proper commander to whom funds have been allocated or allotted such responsible officer will apply to such commander before authorizing the issue, expenditure, or use of target materiel by the National Guard.

(iii) When requisitioning for target materiel, separate requisitions should be prepared and submitted for each component and auxiliary.

(2) *Allowances.* The National Guard, Army Reserve, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, are authorized such articles of target materiel as are appropriate for the practice to be conducted, and will not exceed the allowances established for the Regular Army, without the authority of the Department of Defense.

(b) *Civilian rifle clubs and miscellaneous schools and organizations*—(1) *Types and allowances authorized.* (i) *Schools operating under the act of April 27, 1914 (38 Stat. 370)* See § 543.1.

(ii) *Civilian rifle clubs.* See § 543.1.

(iii) *Civilians using rifle ranges.* See § 543.2.

(iv) *Rifle and pistol competitions in schools and colleges.* (a) The types of targets authorized for small bore matches and competitions are the National Rifle Association gallery targets for 50 and 75 feet. These targets are obtained through the executive officer, National

Board for the Promotion of Rifle Practice.

(b) Targets and target equipment for outdoor rifle and pistol firing are the same as are provided for the Regular Army for rifle and pistol marksmanship courses and competitions.

(2) *Storage and issue of special targets and target equipment.* Special targets and target equipment procured by the National Board for the Promotion of Rifle Practice, and issued or sold by the board, or under the direction of the Director of Civilian Marksmanship, may be stored and issued by the Ordnance Department when requested by proper authority: provided, that in the opinion of the Chief of Ordnance such storage is practicable and that the Ordnance Department is reimbursed in full by the National Board for the Promotion of Rifle Practice for all expenses incident to the handling of the equipment.

(3) *State soldiers' and sailors' orphan's homes and State and territorial educational institutions.* No issue of targets and target equipment is authorized.

[TA 23, 20 September 1955] (38 Stat. 370, secs. 40, 113, 39 Stat. 191, as amended, sec. 35, 41 Stat. 780, 43 Stat. 510, as amended; 10 U. S. C. 1180, 1181, 1185, 32 U. S. C. 181)

[SEAL] JOHN A. KLEIN,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 55-8476; Filed, Oct. 19, 1955;  
8:45 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XIV—General Services Administration

[Revision 3, Amdt. 5]

#### REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

##### PRICES AND PAYMENT

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939) this regulation, as revised and amended, is hereby further amended as follows:

In section 5 (e) delete the date "September 15, 1955" wherever the same appears therein, and in lieu thereof substitute the following: "September 16, 1955"

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended, 67 Stat. 417; 50 U. S. C. App. and Sup. 2093)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: October 14, 1955.

EDMUND F. MANSURE,  
Administrator

[F. R. Doc. 55-8533; Filed, Oct. 19, 1955;  
9:31 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Subchapter 5—Rights-of-Way

[Circular 1936]

#### PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOG- GING ROADS ON THE OREGON AND CALI- FORNIA AND OVER COOS BAY REVESTED LANDS

SUBPART F—RIGHTS-OF-WAY UNDER THE  
ACT OF JANUARY 21, 1895, OVER PUBLIC  
LANDS FOR TRAMROADS AND OTHER ROADS  
FOR LOGGING AND MINING PURPOSES,  
EXCEPT LOGGING ROADS OVER REVESTED  
AND RECONVEYED AND INTERMINGLED  
PUBLIC LANDS IN OREGON

#### TRAMROADS DEFINED; SPECIAL PROVISIONS FOR TEMPORARY RIGHTS-OF-WAY

Section 244.53 is revised to read as follows:

§ 244.53 *Tramroads defined; special provisions for temporary rights-of-way.*

(a) Tramroads are considered as including tramways, railroads, and motor-truck roads to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

(b) An application pursuant to § 244.52 and this section for a temporary right-of-way to be used for a period of not more than six months may be filed with the officer in charge of any local office of the Bureau of Land Management having jurisdiction over the lands. No special form for such an application is required but it should state whether the applicant or applicants are citizens of the United States and if a corporation, whether it is qualified under State law to acquire the right-of-way applied for and be accompanied by three copies of a map or sketch which shows the location of the right-of-way with a degree of accuracy sufficient for its position on the ground in relation to the lines and corners of the public land surveys or in relation to some prominent topographic feature, to be readily determined. Such a map or sketch or statement as to citizenship or qualification may be accepted as the basis for a permit for a temporary right-of-way even though it does not meet the requirements of other regulations in this part, if in the opinion of the authorized officer it would be in the public interest to do so. Within the discretion of the issuing officer, the holder of a temporary permit may be granted a single extension of the permit for a period of not more than six months. Notwithstanding the provisions of § 244.21, the charge for use and occupancy of public lands for such temporary rights-of-way shall be at the rate of 50 cents per mile or fraction thereof per month or fraction thereof, with a minimum rental charge of \$5 per right-of-way. *Provided*, That no rental charge shall be made for the use and occupancy of public lands for such temporary rights-of-way to be used for the purpose of removing mine or quarry products, timber, or timber prod-

ucts which have been acquired from the United States under contract or permit. (28 Stat. 635, as amended; 43 U. S. C. 950)

OCTOBER 13, 1955.

DOUGLAS McKAY,  
Secretary of the Interior

[F. R. Doc. 55-8483; Filed, Oct. 19, 1955;  
8:47 a. m.]

#### Appendix C—Public Land Orders

[Public Land Order 1212, Amdt.]

[33331]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 1212 OF  
SEPTEMBER 9, 1955, WHICH REVOKED PUB-  
LIC LAND ORDER NO. 487 OF JUNE 10,  
1948

OCTOBER 14, 1955.

Paragraphs No. 6 and 7 of Public Land Order No. 1212 of September 9, 1955, appearing as Doc. 55-7464 in 20 F. R. 6795 of the issue of September 15, 1955, are hereby amended by deleting therefrom the phrases "including the mineral leasing laws", "including applications under the mineral leasing laws" and "including leasing under the mineral leasing laws," wherever they appear, and by adding after the words "mining locations" in the last sentence of paragraphs 6 and 7 of the order the words "for non-metalliferous minerals."

EDWARD WOOZLEY,  
Director

[F. R. Doc. 55-8484; Filed, Oct. 19, 1955;  
8:47 a. m.]

[Public Land Order 1236]

[Misc. 64537]

NEBRASKA

RESERVING PUBLIC LANDS FOR USE AS WILD-  
LIFE REFUGES, PUBLIC SHOOTING GROUNDS,  
OR GAME MANAGEMENT UNITS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401, 60 Stat. 1080; 16 U. S. C. 661-666e), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nebraska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the State of Nebraska Game, Forestation, and Parks Commission as wildlife refuges, public shooting grounds, or game management areas, under such conditions as may be prescribed by the Secretary of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 7 W.,  
Sec. 21, lot 1;  
Sec. 22, lots 1, 2;  
Sec. 26, lot 3;  
Sec. 27, lots 1, 2, NW¼.

T. 28 N., R. 17 W.,  
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 29 N., R. 30 W.,  
Sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 35 N., R. 36 W.,  
Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 35 N., R. 41 W.,  
Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 32 N., R. 56 W.,  
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 23 N., R. 57 W.,  
Sec. 23, lot 3;  
Sec. 24, lots 5, 6;  
Sec. 25, lots 4, 5;  
Sec. 26, lots 6, 7.

The areas described aggregate 742.89 acres.

OCTOBER 14, 1955.

FRED G. AANDAHL,  
Assistant Secretary of the Interior

[F. R. Doc. 55-8482; Filed, Oct. 19, 1955;  
8:46 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicle [Ex Parte No. MC-43]

#### PART 207—LEASE AND INTERCHANGE OF VEHICLES

##### AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of October A. D. 1955.

It appearing that subsequent to an investigation into the lawfulness of the practices of motor common and contract carriers of property, the Commission, division 5, by order dated June 26, 1950, and the Commission, by order dated May 8, 1951, prescribed rules and regulations governing the practices of such carriers in the performance of transportation with motor vehicles owned by others, the interchange of vehicles between such common carriers, and the lease of vehicles by any such carriers to private motor carriers and shippers. (15 F. R. 4339, July 8, 1950 and 16 F. R. 4804, May 23, 1951)

It further appearing that by order entered February 2, 1955 (20 F. R. 921),

§ 207.4 (a) (3) and (5) of the rules and regulations prescribed by order of May 8, 1951, as modified, was postponed so as to become effective March 1, 1956;

And it further appearing that pursuant to order dated November 30, 1953, this proceeding was reopened for further hearing with respect to § 207.4 (a) (3) and (5) of said rules, that said hearing has been held, and after consideration by the entire Commission, the Commission on the date hereof, has made and filed a report on further hearing containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:<sup>1</sup>

It is ordered, That the said order of February 2, 1955, referred to in the second preceding paragraph hereof, be and the same is hereby, vacated effective December 1, 1955, and that the following rules and regulations be, and the same are hereby prescribed to become effective on December 1, 1955:

Section 207.4 (a) (3) and (5) are amended to read as follows:

§ 207.4 Augmenting equipment. \* \* \*

(a) \* \* \*

(3) Shall specify the period for which it applies, which shall be not less than 30 days when the equipment is to be operated for the authorized carrier by the owner or employee of the owner; excepting:

(i) That equipment specified in section 203 (b) (4a), (5), and (6) of the act, (49 U. S. C. 303 (b) (4a), (5) and (6)) may be utilized by authorized carriers under contracts, leases, or other arrangements applying for any period, upon completion of a movement in which such equipment is exempt from regulation by the Commission except as to qualifications and maximum hours of service of employees and safety of operation and standards of equipment, under the provision of the act just cited, and is next being utilized by the authorized carrier in a loaded movement in any direction and/or series of loaded movements over reasonably direct routes in the direction of the general area in which the exempt movement originated, or in the direction of the area in which the equipment is based; provided the au-

thorized carrier receives, prior to the execution of the lease, a statement signed by the owner of the equipment, or some one duly authorized to sign for the owner, authorizing the driver to lease the equipment for the return movement or movements, and a statement signed by the driver specifying the origin, destination, and the time of the beginning and ending of the exempt movement.

(ii) That equipment owned by an automobile carrier or tank-truck carrier or held by such authorized carriers under lawful leases and used in the transportation of motor vehicles and liquid commodities, in bulk, respectively, may be leased or subleased to other such authorized carriers for round trips.

(5) Shall specify the compensation to be paid by the lessee for the rental of the leased equipment; provided, however, that such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in or on said equipment, or on a division or percentage of any revenue earned by said equipment during the period for which the lease is effective, except this latter proviso, relating to compensation, shall not apply to:

(i) Equipment used in the transportation of household goods, of motor vehicles by automobile carriers, of liquid commodities, in bulk, in tank vehicles, of oil-field and pipe-line equipment, materials and supplies, as described in *Mercer Extension—Oil Field Commodities*, 46 M. C. C. 845, and vehicles equipped with mechanical refrigeration when used in the transportation of commodities requiring refrigeration.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-8496; Filed, Oct. 19, 1955;  
8:50 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### [7 CFR Part 973]

[Docket No. AO 178-A6]

#### HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

##### RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of No. 205—2

1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Minneapolis-

<sup>1</sup> Filed as part of the original document.

St. Paul, Minnesota, marketing area. Interested parties may file exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary Statement.* The hearing on the record of which the proposed marketing agreement and order was formulated was conducted at Minneapolis, Minnesota, on May 17-19, 1955, pursuant to notice thereof which was issued on April 27, 1955 (20 F. R. 2933)

The material issues of record related to:

1. Replacing the present individual-handler type of pool with a market-wide pool;
2. The scope of the revised regulation;
3. Adjusting class prices as the ratio of producer receipts to Class I sales varies;
4. Providing a payment on other source milk utilized in Class I,
5. Incorporating a "base-excess" plan for prorating returns to producers; and
6. Revising certain other provisions of the order.

**Findings and Conclusions.** The following findings and conclusions on the material issues are based upon the evidence in the record:

1. *Type of pooling.* The order should be amended to provide for distributing returns to producers on the basis of a market-wide pool instead of the individual-handler pools now provided.

The method of pooling does not affect the obligations of handlers; they will continue to be charged the minimum class prices for the quantities of milk used in each class. Under individual-handler pooling the class utilization of milk by each handler has been ascertained, the blend price payable to producers has been computed, and such blend price paid to those producers who supply milk to the specific handler. Under the market-wide system of pooling, the class utilization of all handlers in the market will be combined for the computation of a single blend price payable to all producers in the market, regardless of the class utilization of the particular handler to whom they may deliver their milk. As a matter of practice the principal cooperative association of producers in the Twin City market has operated a market-wide pool for its membership. The returns from each of the dealers buying milk from association members have been combined with the sales proceeds of manufactured dairy products produced in the association's own plants, and the resultant blend price has been paid to all members.

In recent years increased population in the market and its suburbanization caused an expansion of the milk procurement territory. The principal producers' association has expanded its territory and other suppliers have also entered the market. At present there is a considerable diversity in the operation of the handlers in this market. Most of the handlers served by the principal association are specialized fluid-milk operators, and leave the function of caring for the seasonal and daily reserves of Class II milk entirely to the association. The association, on the other hand, operates in three capacities. It supplies such quantities of Class I milk as its handler-customers require, manufactures or otherwise disposes of Class II milk, and also assumes the responsibility of procuring any supplemental milk which the bottling handlers may need. Other handlers are in intermediate positions.

The function of caring for the seasonal and daily reserves of milk which

cannot be used for bottling, but must be available for such use and the corollary function of supplying supplemental milk should be shared equally by all producers in the market. Since these functions can no longer be performed in a reasonably satisfactory manner through the reblending of proceeds by the principal producers' association, they should be accomplished by the adoption of market-wide pooling.

2. *The scope of the regulation.* At the present time the marketing order extends to all milk received by a plant which is disposing of milk as a Class I product within the marketing area, irrespective of the grade or quality of the milk. Thus a substantial volume of milk produced only for manufactured products is classified and priced by the order.

The order should now be amended to apply only to plants which receive milk which is produced in conformity with the Grade A standards established by municipal or State authority. Recently the two major cities in the marketing area began to require that only milk of Grade A quality be disposed of for consumption in the city. While it is legally permissible for non-Grade A milk to be sold in the marketing area in some of the suburban territory outside the corporate limits of Minneapolis and St. Paul, the evidence reveals that very little milk other than Grade A is being disposed of within the marketing area. It appears that only one handler is receiving and disposing of non-Grade A milk within the marketing area, while one additional handler bottles both Grade A and non-Grade A milk, but disposes of the non-Grade A milk entirely outside the marketing area.

Some of the handlers argued that the order should continue to regulate non-Grade A milk as well as Grade A milk. It was their contention that if the regulation were lifted from non-Grade A milk, there might be an increase in the sales of such milk and regulated handlers disposing of Grade A milk would be placed at a competitive disadvantage. There is also much testimony in the record, however, to the effect that sales of non-Grade A milk have declined very rapidly in recent years, not only in the marketing area itself, but also in the rural areas adjacent to the market. Indications are that this trend will continue and that the volume of non-Grade A milk disposed of for fluid consumption will continue to decrease. Under the circumstances it is concluded that the regulation should be confined to milk which is produced in conformity with State or municipal Grade A requirements.

The change from individual-handler to market-wide pooling necessitates a reconsideration of those definitions which identify the milk to be priced and pooled under the order. The definitions of "handler" "pool plants" and "producer" are the principal ones which determine the milk to be priced.

The definition of "handler" should be all-inclusive. The handlers are the parties who are regulated under the order. Certain categories of handlers such as producer-handlers, specified public institutions, and handlers pri-

marily associated with other markets are subsequently exempted from certain portions of the order regulation. However, the minimum requirement applicable to all of them is that they make such reports to the market administrator as may be required to verify their special status under the order. The primary category of handlers are those who operate pool plants. These are the plants which supply the market with milk in such quantities and with such regularity as to constitute a part of the fully priced and pooled supply of milk. A second category of handler is comprised of operators of plants from which milk is distributed on routes in the marketing area but in insufficient quantity or regularity to qualify as pool plants. The third class of handler is a cooperative association which may be faced with a necessity of marketing its members' milk. On such quantities of milk as is customarily received at a pool plant, but which a cooperative association diverts for a temporary period to a nonpool plant, the association would be a handler for the purpose of reporting the quantities of milk and its utilization. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed in the fall months or at other times.

There are two major categories of plants which constitute the regular supply of milk for the marketing area and which should be defined as "pool plants." One group is the distributing plant in which milk is pasteurized and bottled, and from which it is distributed in the marketing area. Many of these plants are physically located within the marketing area but others are some distance away. The second major type of plant is one at which milk is received from producers, weighed, tested, cooled, and delivered in bulk to the distributing plants for bottling purposes.

(a) *Distributing plants.* A "distributing plant" should be designated as a pool plant if the quantity of milk distributed on routes in the marketing area as Class I milk in any month is equal to 15 percent or more of the total Class I distribution of such plant. A distributing plant should meet the further qualification that half or more of its total supply of milk approved for fluid use be sold on routes, whether inside or outside the marketing area. In view of the considerable seasonal variation in production in this market, "half" should be defined as 40 percent during the flush months of January through June and 60 percent during the low production months of July through December. This latter provision will limit the definition of distributing pool plants to those primarily engaged in the distribution of fluid milk rather than in the manufacture of dairy products. Most of the distributing plants now in the market are exclusively Class I operators and all of the others have a high proportion of their sales in Class I. Any plant which is not primarily engaged in the distribution of

fluid milk should be deemed primarily a supply plant, and its status in the pool should be judged by the standards applicable to such plants.

A distributing pool plant should sell at least 15 percent of its Class I milk on routes in the marketing area in order to be significantly associated with the Twin City market. It appears that all distributing plants now serving the market sell substantially more than 15 percent within the marketing area and that any plant that might subsequently sell a smaller proportion than 15 percent would be primarily associated with some other market. Such a plant should not be subject to price provisions of the order since conditions in its primary market may differ substantially from those in this market, and its supply should not be included in the market-wide pool. The milk distributed in the marketing area from such a plant would be considered as "other source" milk and would be subject, under certain conditions, to the compensatory payments described in a subsequent portion of these findings.

(b) *Supply plants.* In as large a market as the Twin Cities, the distributing plants do not commonly obtain enough milk directly from farmers to meet their bottling requirements. Rather, they supplement the direct-received milk with milk from supply plants which have assembled milk from farmers. (The problem of caring for the daily and seasonal reserves of milk also contributes to this specialization of plants; manufacturing is commonly done in large-scale plants instead of in the distributor plants.) During the fall months of lowest production the Twin Cities market draws heavily on supply-plant sources of milk. In the months of August through November a large proportion of the milk received at these plants is transferred or diverted to the distributing plants. During the flush season, however, the supply plants may be called upon for little or no milk. The supplies they receive from producers are manufactured into dairy products and they may also manufacture milk received at the distributing plants in excess of their fluid needs. It is apparent that the pool plant standards for supply plants should be based upon the quantity shipped to distributing plants during the later summer and fall months. Supply plants which have furnished substantial quantities during the fall should then remain qualified as pool plants during the following flush months when their milk is not physically needed for bottling purposes.

It appears from the evidence of record that the supply plants which have been drawn upon for supplemental milk in the fall months have furnished a large proportion of their total supply to the Twin City market. In 1953 and 1954, September was the month of shortest supply. August and October were the next shortest (and about equally so) and November was the fourth shortest. These are the four months in which it was proposed that the pool plant status of supply plants be determined. On the basis of the 1953 and 1954 data, and testimony based on

experience over a period of years in the procurement of milk from supply plants it is concluded that supply plants should furnish not less than 50 percent of their total available supply to distributing plants in each of the months of August through November.

A supply plant would qualify as a pool plant the first of these months in which it shipped the 50 percent of its supply to distributing plants. Also, any supply plant which might ship 50 percent or more in a month other than August through November would be a pool plant for such month. Further, as previously indicated, any supply plant which ships 50 percent during each of the four specified months will be a pool plant through the following July without being required to make additional shipments. The operator of such plant must make written application to the market administrator on or before December 31 requesting designation as a pool plant through the following July 31.

One aspect of supply plant operation is unique, so far as the Federal order markets are concerned. One of the major supply plants is physically located within the marketing area and others are so close that it is more efficient to divert loads of producer milk directly to the distributing plants when needed than to receive it at the supply plant and take it to the distributing plants. During some of the months of lowest production, one or more of these supply plants may be shut down completely. During the remainder of the year such plants are needed to supply milk on call to distributing plants, and to manufacture the seasonal excess. Since the milk involved is part of the regular market supply, it appears best to consider the milk which has been diverted from supply plants to distributing plants during the four specified fall months as having been received at the supply plants and shipped to the distributing plants. The diverted milk would be so reported by the plants involved and the pool status of the supply plants would be determined by comparing total receipts with the quantities sent to distributing plants, the diverted milk being included in both the receipts and shipments.

The amended order further provides that those supply plants, on which the market has relied in the past for its supply of milk, be specifically designated as pool plants until August 1 of the year following its effective date. Thus, these plants will not be deprived of pool status during the coming flush season merely because of the fact that the amendment was not effective during the entire qualifying period.

3. *Class prices.* No change should be made in the Class I differentials currently provided in the order.

At the present time these differentials are subject to adjustment of a like amount whenever the "supply-demand" adjustment factor provided in the order for the Chicago, Illinois, marketing area affects the Class I differentials in that market by more than 6 cents. The use of the Chicago "supply-demand" factor should be discontinued in favor of one based on the relationship of receipts to

Class I sales in the Minneapolis-St. Paul market.

At the time the Chicago provision was adopted in the Minneapolis-St. Paul market, Grade A ordinances had been effective for only a few months in Minneapolis and St. Paul and there were no data from which to pattern a supply-demand adjustment based on local experience. Because of the proximity of the supply areas of the two markets it was felt that adjusting the Minneapolis-St. Paul price by a like amount whenever the Chicago Class I price was increased or decreased as a result of changing supply and demand conditions would maintain a proper alignment of prices between the two markets and prevent any serious dislocation of supplies.

Experience indicates that the use of the Chicago adjustment has not been as effective as had been anticipated in achieving the desired ends. Although there has been some slight shifting of milk from the Chicago market to the Minneapolis-St. Paul market, total supplies of Grade A milk in the latter market have decreased and the number of Grade A producers has dwindled steadily. At the same time, Class I sales have shown a substantial increase. During each of the months of August through November 1954, Class I sales by handlers exceeded the combined receipts of Grade A milk from farmers at all regulated plants and at those plants which constitute the normal source of emergency milk for the markets. In September 1954, Class I sales were equal to 115 percent of Grade A receipts by the aforementioned plants.

It is evident from these figures that the Chicago "supply and demand adjustment" which has substantially reduced the Class I price every month since it was adopted in the Minneapolis-St. Paul market, has failed to maintain an adequate supply of milk for this market. In order to bring supplies into balance with sales and to maintain a proper alignment between the two, it is necessary that the Class I price in the Minneapolis-St. Paul market be adjusted as the relationship between receipts and sales varies in the market itself.

The proponents of the proposal to adjust Class I prices as local supply and demand conditions vary, submitted a plan whereby the price in any month would be adjusted on the relationship that receipts and sales in the second and third preceding months have to the yearly average during 1954. The effect of such a plan would always be to increase the Class I price during the months of short production and to decrease such prices during the months of flush production. This would tend to defeat the aims and objectives of the supply-demand adjustment. While such a pricing pattern would undoubtedly exert considerable influence upon the seasonal pattern of production in the market, it would have very little effect in adjusting receipts to Class I sales.

To accomplish the desired objectives of aligning market receipts with Class I sales, the Class I differential should be adjusted as the ratio of receipts to sales during any two-month period varies from the percentage established for the

same two months during the base period. Experience elsewhere indicates that the use of a two-month moving average as the factor in adjusting prices provides the necessary flexibility, yet prevents the rather wide changes in prices that might result from the use of a single month.

Since the Minneapolis-St. Paul market has been in extremely short supply for the past two years it is necessary, in determining the basic percentages to be used as an index of the supply-demand ratio, to adjust the actual percentages existing in 1954 to reflect a more nearly adequate supply of milk. In September, the month of shortest supply in 1954, receipts from producers shipping to all the plants regularly associated with the market were only 87 percent as large as Class I sales. The deficiency was supplied by emergency milk. In order to have a full supply of producer milk at all times receipts would have to exceed Class I sales. However, since this goal cannot be reached immediately, it appears that a September supply of producer milk just equal to Class I sales would be an appropriate standard for the supply-demand adjustment. The monthly utilization percentages for 1954, the same percentages after adjustment to reflect 100 percent for September, and the new standard percentages which reflect the average of the adjusted percentages for the second and third preceding months are as follows:

Month	Actual utilization percentage	Adjusted utilization percentage	Standard percentage
January.....	76.3	66.1	91
February.....	72.2	62.0	82
March.....	71.5	62.0	71
April.....	70.8	61.4	64
May.....	70.1	60.7	62
June.....	71.0	61.5	62
July.....	90.1	78.1	61
August.....	109.5	94.9	61
September.....	115.4	100.0	70
October.....	109.2	94.6	86
November.....	101.1	87.6	97
December.....	88.1	76.3	97

To prevent too wide an adjustment in the event unusual short-run conditions occur, it is provided that a ceiling of plus or minus 24 cents be placed on the amount by which the supply-demand ratio may affect the Class I price. Such a ceiling will also recognize that supply responses to the marketwide pool and base rating plans cannot be accurately predicted. As experience accumulates, appropriate change can be made in the supply-demand adjustment.

The Class I butterfat differential should be revised to equal 135 percent of the price of butter during the months of July through November, and should remain at the present level of 125 percent of the price of butter during the remaining months. This revision will result in reflecting in the value of the butterfat a portion of the seasonal increase in the price of Class I milk. At the present time, with the butterfat differential at the same level throughout the year, all of the seasonal variation in prices is reflected in the serum portion of the milk and none is reflected in the butterfat. Prior to the enforcement by the cities of

Minneapolis and St. Paul of the requirement that fluid cream be processed from Grade A milk it was necessary to maintain the price of butterfat in cream approximately at the level at which handlers could procure such butterfat from non-Grade A sources. With the adoption of full Grade A requirements, however, it appears that a greater portion of the higher seasonal premium paid for Grade A milk during the months of July through November should be attributed to the butterfat utilized in Class I milk.

The butterfat differential to producers should also be modified. For some time this differential has been slightly below the value of butterfat in Class II. Originally the two were the same but in a previous amendment the value of butterfat in Class II was increased slightly without a corresponding increase being made in the producer butterfat differential. It appears, however, that the producer butterfat differential should reflect the average utilization value of the butterfat in milk just as the uniform price reflects the average utilization value of the whole milk. It is concluded therefore that the producer butterfat differential should equal the weighted average value of the butterfat in the pool.

Since the butterfat differential to producers is merely a means of prorating to producers the total amount paid by handlers for milk, the level of it has no effect on handlers' costs.

4. *Provisions relating to "other source" milk.* Under the present individual-handler pool order, all of the plants from which the regular supply of milk for the market is obtained are fully regulated. The definition of fluid milk plant covers all the distributing plants, that is, those from which any route sales are made in the marketing area. Similarly, any supply plant from which a significant volume is obtained is also a fluid milk plant and fully regulated. The only exception is that during the four months of lowest production a plant may supply supplemental bulk milk without becoming subject to the order.

The provisions for determining the classification of producer milk at plants receiving milk both from producers and from other sources should remain the same as under the present order. The order provides that other source milk be allocated to the lowest classes of use in such plants. This gives producer milk a priority on the highest available utilization. Any supplemental milk which a regulated handler may purchase in bulk or bottled form from any other Federally regulated market is also considered as other source milk under the Minneapolis-St. Paul order and is allocated to the lowest available utilization to determine the classification of any producer milk in the handler's plant.

The amended order attached hereto provides for a market-wide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments

out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Minneapolis-St. Paul area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization fund, there is an advantage to any plant operator who has less than the market-wide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him.

This situation is particularly true in the Minneapolis-St. Paul market which is located in the heart of a large milk producing area. There are relatively close to the market many plants with a substantial volume of milk which is manufactured into dairy products. As noted above, under a market-wide pool, if there were no performance standards which a plant is required to meet to share in the equalization fund, such plants, by making a token sale of Class I milk in the area, could draw substantial amounts of money from the producer-settlement fund without assuming any responsibility for supplying the needs of the market. Such performance standards being necessary, it is equally necessary to provide a means whereby such plants can not disrupt the stability of the market by disposing of a small percentage of their milk in the market completely free from regulation. Since this milk would otherwise be manufactured into dairy products, any return above the manufacturing value provides an incentive for such plants to seek an outlet in the fluid market if they can do so without becoming subject to any type of regulation.

Likewise there are other plants within hauling distance of the Minneapolis-St. Paul market which are closely identified with other markets. Since reserve supplies are an essential part of any fluid milk business, such plants, during most of the year and perhaps during the entire year, receive more milk than can be disposed of to their usual outlets. Such excess milk is normally disposed of in manufactured dairy products. As in the case of the manufacturing plants, any return above the manufacturing value would provide an incentive for such plants to seek to dispose of such milk in the Minneapolis-St. Paul market if they could do so without becoming subject to any type of regulation.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. The pool plant definitions of the order, described under (a) and (b) above, are

designed to identify the regular and normal sources of supply for the Minneapolis-St. Paul marketing area. Any plant, no matter where located, may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market since their milk may have been obtained as a supplemental supply during temporary periods of emergency or their sales may be an extremely small portion of a primary distribution in some other area. Clearly, it is not possible to identify the regular and normal supply for the Minneapolis-St. Paul area solely on the basis of sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Considerable quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area, particularly in the fall season, when supplies are seasonally lowest. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Minneapolis-St. Paul area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it

to the market finds its way into a Class I utilization.

Since neither the health regulations nor the possibility that some milk from a plant may be used for Class I purposes in the marketing area provides an adequate measure of a plant's regular status in the market, the pool plant provisions are based on regular performance as previously described. The regular supplies are fully priced under the order and participate in the equalization pool.

The irregular supplies of "other source" milk which may be sold in the market are not priced under the order. The conditions under which unpriced milk has been or would be drawn upon to supply Class I sales in the area have been reviewed. If any handler were able to obtain a price advantage on such milk, he would be in a favorable competitive position relative to the handlers buying producer milk at class prices. To prevent such an advantage the attached amendment provides that a payment shall be made into the producer-settlement fund on all other source milk classified as Class I at a rate equal to the difference between the Class I and Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order. The only exception to these payments is that they are not assessed at times when total supplies of producer milk in the market are not adequate to cover Class I needs and a reasonable reserve. This exception is described in detail in a subsequent paragraph.

It appears from the record that essentially all of the other source milk utilized for Class I purposes in the marketing area has been of Grade A quality and, therefore, similar in quality to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area specified to be regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the Minneapolis-St. Paul marketing area, it would have been necessary for him to convert the milk into a manufactured product. The most likely surplus disposition of this other source milk would have been to plants engaged in processing milk into such manufactured dairy products as butter, cheese, ice cream, or nonfat dry milk solids.

Its value, therefore, to the plant operator was a surplus milk value. The Class II price for milk under the attached amendments is based on the value of milk when it is converted into butter and nonfat dry milk solids and this is the price which regulated handlers are required to pay for milk when they convert it into manufactured products. The Class II price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is

disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing provision in the order, it is clear that the disposition of such milk because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area at whatever time such milk might be available. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the occasional price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing, the effect of, the advantage created for unregulated milk therefore is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

There is a possible alternative method of determining the rate of the compensatory payments. Such rate would be equal to the difference between the Class I price and the price actually paid by a handler for other source milk of Grade A quality. Under the circumstances which prevail in the Minneapolis-St. Paul marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which would be priced under an order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same

company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I prices would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it is impractical from an administrative standpoint to provide for a payment the actual amount of which is within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The proposed method of computing the payments conforms with these requirements but this alternative method fails to do so.

Another possible rate of payment would be based on the difference between the price paid by the first receiver to farmers and the Class I price. However, from evidence presented at the hearing it is clear that this method would also be impractical under the circumstances prevailing in the Minneapolis-St. Paul market. The primary reason is that some plants purchase some or all of their milk from other plants rather than directly from dairy farmers. Also the payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and nonuniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the manufacturing value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them, in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the difference between the Class I price and the Class II prices accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of integrating other source milk (when used as Class I) into the regulatory plan.

This same rate of payment should apply both to other source milk disposed of by pool plants and to other source milk disposed of on routes in the area by nonpool plants. In the case of the plant which is primarily a manufacturing plant the alternative use of the milk is in manufactured dairy products. In the case of other nonpool plants the operator has the same opportunity to purchase other source milk at the opportunity cost level as do pool plant operators. In addition, such a plant probably has surplus milk which it would be desirous of disposing of on any basis that would yield a higher return than its surplus value. With surplus uses as the alternative and no compensatory payments to make the operator of such a plant would be at a considerable advantage in underbidding the handlers of regulated milk on large contracts for such outlets as hospitals, government institutions and similar large purchasers. Such a situation might also afford the nonpool plant the opportunity to use such price advantage in establishing a regular trade on wholesale and retail routes within the marketing area.

It is considered inappropriate also that a plant disposing of only a small percentage of its milk in the marketing area should be subject to full regulation because of the small percentage disposed of therein. Such a regulation might place a plant of this kind at a competitive disadvantage with respect to the greater proportion of its Class I sales, i. e., those made in unregulated areas. The application of the compensatory payment only to that milk sold within the regulated marketing area, while at the same time allowing the milk disposed of in unregulated areas to be free of price regulation, affords the necessary protection to the regulatory plan and at the same time accommodates the sale of milk in unregulated areas.

Compensatory payments should not apply to purchases of other source milk at times when the market as a whole is short of producer milk. A somewhat similar effect is achieved under the present order by allowing a city plant to purchase from unregulated sources during August-November without making its supplies subject to regulation. At times in the past when the Twin City market has been short of producer milk, supplies of quality milk from other sources have also been limited and more costly than the minimum Class I prices established under the order. In view of the size of the Twin City market and its close relationships with the Chicago market it is probable that other source milk would also be expensive during any future situation of short supply.

The Minneapolis-St. Paul market should be considered short whenever producer receipts are less than 105 percent of the gross Class I utilization at pool plants. The market can be considered definitely short of milk at this monthly average percentage because of daily and weekly variations in sales and receipts during the month. The percentage standard is based on market-wide data. No handler can obtain other source milk without an equalizing payment merely

by buying short from his own producers. He must either take on sufficient supplies for his own use or depend upon other handlers who have supplies in excess of their own Class I needs.

No compensatory payments are required under this order on milk classified and priced under another Federal order. The close relationships between the Twin City and Chicago markets have already been described. Since the Class I prices in these two competing markets are so closely aligned, there is no prospect of handlers in either of them achieving a competitive advantage over any significant period of time.

All funds collected from other source milk should be added to the producer-settlement fund. Since the compensatory payments apply only when there are adequate supplies of producer milk in the market, the payments will compensate producers for the loss of income represented by the Class I sales of other source milk.

The regulated handler should be obligated to make the compensatory payments. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk is obtained. However, the regulated handler makes the actual distribution of milk and reports its utilization to the market administrator. Therefore, from an administrative viewpoint he is the logical one to make the payment.

5. *Base-excess plan.* A base-excess plan for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production should be incorporated in the order.

The Twin City Milk Producers' Association whose membership comprises nearly 90 percent of the total number of producers in the market has operated a base-excess plan among its own membership for several years. It appears that this plan has contributed substantially to the improvement in seasonality which has occurred since 1950. In 1950, September production was only 56 percent as large as in May, but the percentage has increased each year until in 1954 it was 70 percent as large. In view of this favorable experience and the need for continued progress in the seasonal production of all producers in the market the base-excess plan should be incorporated in the order.

The essential features of the base rating plan may be briefly summarized. Producers establish a base equal to their daily average production during the three shortest months. Then, during the following flush period each producer is paid for base milk at a price reflecting the highest class utilization of base milk and for any milk which he delivers in excess of his base at approximately the Class II or manufacturing price. He is, thereby, encouraged to maximize his deliveries during the low production months and to minimize the quantities of excess milk delivered during the flush production months. A more level production in the Twin City market will lessen the market's dependence upon emergency sources of milk during the

short period and will also reduce the quantities which must be converted into manufactured dairy products during the flush months.

August, September, and October are the months of lowest production and it is appropriate that bases be established during this period. Each producer's base should be equal to his daily average deliveries during the three months. In the case of every-other-day delivery the total quantity shipped by the producer during the three-month period would, of course, be divided by the total number of days. Producers should deliver milk on at least 78 days of the 92-day period in order to establish a complete base. This allows a two-week leeway for possible degrading by health authorities or other interruptions to production. The daily base of a producer who delivers on less than 78 days should be computed by dividing his total deliveries by 78. Such a producer will, however, have an opportunity to relinquish such base and establish a new one as hereinafter described.

The months of January through June are the six months of heaviest production and should constitute the base-operating period. These are the months during which each producer will be paid a manufacturing price for any excess milk delivered by him and the higher base price for his base milk. Producers who join the market after the August through October base-forming period will not have a regular base for the following January through June. The proponents testified that such producers should be allowed to establish an equitable base and thereby obtain their share of the base price during such portion of the base-operating period as they ship milk to market. The proponents also recognized that special consideration should be given to established shippers who failed to make a reasonable base through circumstances beyond their own control. Damage resulting from fire or storm, an outbreak of disease in the herd, breeding difficulties, and similar circumstances might prevent an established producer from making a representative base in any particular fall period.

It is concluded that the new producer and the established one who has suffered misfortune are essentially similar cases and that each can be resolved by allowing them to establish a new base. A new producer's base should be figured at a specified percentage of milk delivered during the first full calendar month he was on the market; similarly an old producer should be allowed to establish a new base on the quantity of milk delivered in the calendar month following the date on which he notifies the market administrator of his intention to relinquish his old base and establish a new one. Since production in the market is normally higher during other months than it is in the base-forming months of August, September and October, the new base should be only a fraction of total deliveries during such months. Furthermore, neither the new producers nor the old shippers who elected to set a new base were fully effective suppliers of milk during the previous short season. Any new base

established during November should be equal to 75 percent of deliveries during that month; during December or January, to 65 percent of deliveries; and during February, March, April, May and June, to 55 percent of deliveries. These percentages are approximately 10 percent lower than the average experience in the market during 1953 and 1954. If a new base is made during any of the months of January through June it should apply for payment purposes in the same month it is made, and milk received from any producer who enters the market in the middle of a month will be considered as excess milk during the remainder of that month.

Each producer establishes a new base each fall. Also, as previously explained, he has the option of relinquishing such base and establishing a new one under the same rules that apply to a new shipper. It follows that the base will have no permanent value and that only a minimum of rules need be provided for transfers of ownership or other contingencies. The producer to whom the base applies can simply be designated as the one identified on the payroll of the handler to whom the milk is delivered. The proponent proposed that the holder of the base be permitted to transfer any portion of it to any other party. It appears that the effectiveness of the base-excess plan in leveling production plan would be jeopardized by such a provision and that the record-keeping involved would place an unwarranted burden on the office of the market administrator. However, entire bases should be freely transferable upon appropriate notice to the market administrator.

**6. Other proposed changes.** The changeover from an individual-handler pool to a market-wide pool necessitates the revision of the order to include provisions relating to the producer-settlement fund. This fund is the mechanism through which the distribution of uniform payments to all producers is accomplished. Handlers whose utilization value is greater than the amount required to be paid producers are required to pay the difference to the market administrator. The market administrator uses such funds to make up the payment to handlers whose payments to producers are greater than the utilization value of their milk.

Audit adjustments are also cleared through the producer-settlement fund. For the purpose of insuring an adequate reserve in the fund to cover any unusual audit adjustments or the failure of handlers to make prompt settlement, it is provided that the market administrator, in computing the uniform price, deduct 4 to 5 cents per hundredweight. Not less than half of the reserve is added back in the pool computation each month. Thus, once the order has been functioning for a few months, the reserve maintained will level off at an amount approximately equal to two months deductions. Experience elsewhere has shown that such a reserve is adequate to cover all contingencies.

The order must also provide the dates on which reports are to be filed and payments made to and from the producer-

settlement fund. Handlers should be required to file their delivery period reports of receipts and utilization not later than the 9th day of each month. The market administrator should be required to compute and announce the uniform price not later than the 14th day of the month. Payments from handlers to the producer-settlement fund would be due on the 16th day of the month and payments to handlers by the market administrator should be made not later than the 17th day.

This schedule should provide ample time for handlers to complete and file their reports and for the market administrator to compute the uniform price. The schedule of payment to and from the producer-settlement fund is such that producers can continue to receive payment for their milk on the 20th of the month as is provided in the present order.

At the present time the cooperative associations receive the uniform price for milk which is caused to be delivered by them to handlers' plants from producer-members. Since the proposed order provides for a base and excess plan of prorating returns to producers, it appears that the administration of the order would be greatly simplified if handlers were to pay the cooperative association class prices for milk caused to be so delivered. The principal cooperative association attempts to furnish each handler with the approximate amount of milk it requires each day. To accomplish this it is necessary that certain loads of milk be shifted from one plant to another several times during the month. Frequently the plant receiving the milk does not know the identity of the producers whose milk is being received. During the months when producers were being paid on the base and excess plan the additional bookkeeping involved in noting the pounds of base milk and the pounds of excess milk received from each producer in each plant each day would be enormous. Since the cooperative association maintains these records for its members regardless of the plant or plants to which the milk may be delivered, administration of the order will be greatly simplified by requiring handlers to pay for such milk at the class prices, and making the cooperative association the person who is responsible to the producer-settlement fund for such milk.

The present order levies an administrative assessment on all producer milk received by a handler regardless of whether such milk is of Grade A quality. Since the proposed order would regulate only Grade A milk the assessment should be applicable only to the milk of producers as defined in the proposed order. To equalize the overall cost of milk to handlers it should also apply to other source milk utilized in Class I. In the case of nonpool plants which dispose of Class I milk in the marketing area the assessment should apply only to the volume of Class I milk disposed of within the marketing area. This will reimburse the market administrator for the expense incurred in verifying the reports submitted by such nonpool plants, and will not disadvantage them in other markets

by requiring an assessment on milk sold in competition with unregulated plants.

Among other proposals concerning which testimony was offered was one which would increase the Class I price by 70 cents per hundredweight during the months of August through November with respect to milk moved to a plant located more than 100 miles from the market. This provision was proposed as a means of deterring supply plants which were carried in the pool during the months of flush production, from disposing of their milk to other markets at the period of the year when such milk was needed for Class I use by Minneapolis and St. Paul handlers. Such a provision is unnecessary in this market. The standards which have been established for a plant to qualify as a pool plant are such that it would be impractical for a supply plant to contract to supply buyers located in other markets during the periods of short supply. Any premiums that might be secured as Class I milk disposed of to such buyers during the short season would be far outweighed by the advantages of continuing to participate in the market-wide pool during the period of flush production.

A further proposal advanced at the hearing would have established a method whereby the added costs of procuring emergency supplies when the market is short of milk would be spread over the entire market either through the producer-settlement fund or through a similar mechanism. In view of the limited evidence submitted, with respect to both the economic justification of the proposal itself and to the procedures by which such a proration might be accomplished, it must be concluded that no action be taken on this proposal.

It was also proposed that any cream moved more than 100 miles from the market be classified as Class I milk regardless of the use to which it ultimately was put. The evidence, however, shows that virtually all of the cream moved more than 100 miles is utilized in the manufacture of ice cream. If the order were amended to price such cream as Class I, it is likely that it would result in the loss of such sales and that the cream instead of moving for use in ice cream would be manufactured into butter, and thus producers would receive no benefit from such a change. The evidence further indicates that the 100-mile limit should be retained since the administrative inconvenience and cost of audits involving small quantities of cream at plants a greater distance from the market would be prohibitive. Accordingly, it is concluded that no change should be made.

No proposals were made and no testimony was offered in support of any major substantive changes in the provisions of the order other than those specifically discussed in preceding paragraphs. Accordingly, except for changes in the context necessitated by the adoption of the amendments discussed above, the remaining provisions of the order should be continued in their present form.

**General Findings.** (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof

will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

**Proposed Findings and Conclusions.** Briefs were filed on behalf of most of the producers' associations and handlers in the market. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is deemed on the basis of the facts found and stated in connection with the conclusions in this decision.

**Recommended Marketing Agreement and Order.** The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

#### DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Rob-

binsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

§ 973.5 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant; (b) any person in his capacity as the operator of a plant, which receives its entire supply of milk from pool plants, and at which milk is processed and packaged and disposed of as Class I milk within the marketing area; (c) any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and vending machines), and (d) a cooperative association with respect to the milk of its member-producers which it causes to be delivered to either a pool plant or a nonpool plant for the account of such association. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at a pool plant, or which is caused by a handler to be diverted to a nonpool plant: *Provided,* That such milk is produced under a dairy farm permit or rating issued by a municipal or State health authority for the production of milk to be disposed of for consumption as Grade A milk.

§ 973.7 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, except the plant of a handler exempted in § 973.62.

(a) A plant where milk is processed or packaged and from which not less than 15 percent of its total distribution of Class I milk during the delivery period is on a route(s) in the marketing area: *Provided,* That the total quantity of Class I milk distributed during the delivery period on all routes operated inside or outside the marketing area is equal to 40 percent or more of the total supply received at the plant from dairy farmers or from other plants in any of the months of January through June, or to 60 percent in any of the months of July through December; or

(b) (1) Any plant which has, during any delivery period, delivered to a pool plant(s) described in paragraph (a) of this section an amount of milk equal to 50 percent or more of its dairy farm supply of milk: *Provided,* That if, during each of the delivery periods of August

through November, such plant has delivered to a pool plant(s) described in paragraph (a) of this section 50 percent or more of its dairy farm supply, it shall upon written application to the market administrator on or before December 31 of any year, be designated as a pool plant through the following July 31.

(2) In the case of any plant from which producers are diverted to pool plants described in paragraph (a) of this section during any of the months of August, September, October, or November, the milk so diverted shall, for the purposes of this paragraph, be considered as having been received at the plant from which it was diverted and shipped from thence to the plant(s) described in paragraph (a) of this section. Such diversion shall be evidenced by the producers being listed as diverted producers on the payroll reports submitted pursuant to § 973.32 and by appropriate notation on the reports of receipts and utilization submitted pursuant to § 973.30.

(3) From the effective date hereof until August 1, next following such effective date the following plants shall be pool plants in addition to any plants which may qualify as pool plants pursuant to paragraph (a) of this section and this paragraph:

Baldwin Cooperative Creamery, Baldwin, Wis.  
 Buffalo Cooperative Creamery, Buffalo, Minn.  
 Butternut Cooperative Creamery, Luck, Wis.  
 Ellsworth Cooperative Creamery, Ellsworth, Wis.  
 Hastings Cooperative Creamery, Hastings, Wis.  
 Rock Ridge Cooperative Creamery, Dresser, Wis.  
 Twin City Milk Producers Association, Anoka, Minn.  
 Twin City Milk Producers Association, Elk River, Minn.  
 Twin City Milk Producers Association, Farmington, Minn.  
 Twin City Milk Producers Association, Lake Elmo, Minn.  
 Twin City Milk Producers Association, Minneapolis, Minn.  
 Twin City Milk Producers Association, Northfield, Minn.  
 Twin City Milk Producers Association, River Falls, Wis.  
 Twin City Milk Producers Association, Watertown, Minn.  
 Wisconsin Cooperative Dairies, Inc., Menomonie, Wis.

§ 973.8 *Nonpool plant.* "Nonpool plant" means any milk processing plant during any delivery period in which it does not meet the requirements of a pool plant as defined in § 973.7.

§ 973.9 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who both produces milk and is a handler and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent butterfat equivalent) during the delivery period from other handlers which are cooperative associations: *Provided*, That the maintenance, care and management

of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 973.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.13 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

§ 973.14 *Producer milk.* "Producer milk" means any skim milk and butterfat contained in milk produced by one or more producers under the conditions set forth in § 973.6.

§ 973.15 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that skim milk and butterfat contained in producer milk.

§ 973.16 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of January through June, which is not in excess of such producer's daily average base computed pursuant to § 973.75, multiplied by the number of days in such month for which producer delivered milk to such handler.

§ 973.17 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of January through June which is in excess of base milk received from such producer during such months.

#### MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

- (a) Administer the terms and provisions of this part;
- (b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;
- (c) Recommend to the Secretary amendments to this part; and
- (d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Pay, out of the funds provided by § 973.30, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.31.

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80, 973.84, 973.86, and 973.87; and may at any time thereafter so disclose any such name if authorized by the Secretary.

(e) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this part as he deems advisable and as do not reveal confidential information;

(g) On or before the 5th day of each delivery period, mail to all handlers and make public announcement of the Class I price computed pursuant to § 973.53, and the butterfat differential computed pursuant to § 973.56 (a) for the then current delivery period, and the Class II price computed pursuant to § 973.54 and the butterfat differential computed pursuant to § 973.56 (b) for the preceding delivery period; and

(h) On or before the 14th day after the end of each delivery period, mail to all handlers and make public announcement of the uniform price computed pursuant to § 973.71, or the price for base milk computed pursuant to § 973.72, whichever is applicable.

#### REPORTS, RECORDS, AND FACILITIES

§ 973.30 *Delivery period reports of receipts and utilization.* (a) On or before the 9th of each delivery period, each handler, except a producer-handler, who operates a pool plant or whose entire supply of milk is received from a pool plant(s), shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool milk plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts

from producers (including his own production), producer-handlers, pool plants and nonpool milk plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) On or before the 9th day after the end of each delivery period each handler who operates a nonpool plant shall report to the market administrator his total receipts and utilization of milk received from farmers who produce Grade A milk, his total disposition within the marketing area of Class I milk, and such other information as the market administrator may require.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 973.32 *Reports as to producers and cooperative associations of producers.* Each handler shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer or cooperative association of producers (a) the total pounds of milk delivered with the average butterfat test thereof and (b) the net amount of the payment to each producer or to each cooperative association of producers together with the price deductions and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content of all skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market adminis-

trator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period, shall be classified by the market administrator pursuant to the provisions of §§ 973.41 through 973.45.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk) concentrated milk, buttermilk, flavored milk drinks (except flavored milk drinks in hermetically sealed containers) cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream) and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat stored in a public cold storage warehouse as frozen cream, or disposed of as animal feed, and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

§ 973.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.43 *Transfers.* Skim milk or butterfat transferred or diverted in fluid form as milk, skim milk, or cream, by a handler shall be classified as follows:

(a) As Class I milk if transferred or diverted from one pool plant to the pool plant of another handler unless utilization in Class II is mutually indicated to the market administrator in the delivery period reports submitted by both handlers for the delivery period in which such transfer or diversion occurred, but in no event shall the amount classified in either class exceed the total use in

such class by the transferee handler. *Provided*, That if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (1) the handler reports to the market administrator on or before the 9th day after the end of the delivery period that such skim milk or butterfat was utilized in Class II, (2) the nonpool plant maintains records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for purposes of verification, and (3) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in Class II. *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in Class II, the remaining pounds shall be classified as Class I, and

(d) As Class I milk if transferred or diverted in the form of milk or skim milk or transferred in the form of cream in consumer packages, and as Class II if transferred in the form of cream in bulk, to a purchaser whose plant is located more than 100 miles from the marketing area.

§ 973.44 *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 973.44, the classification of all skim milk and butterfat received by a handler at his pool plant(s), the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class II, an amount equal to the difference shall be subtracted from Class I. *Provided further* That any other source milk which is classified and priced under another marketing order issued pursuant to the act shall be allocated to Class I before any other source milk is so allocated;

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants or which have been caused by a cooperative association to be delivered for its account to such handler directly from the farms of its member producers in accordance with

its classification as determined pursuant to § 973.43 (a)

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called overage.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

#### MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in §§ 973.80 to 973.83 not less than the prices set forth in §§ 973.53 and 973.54 for all milk received during each delivery period from producers at such handler's pool plant(s)

§ 973.51 *Basic formula price.* The basic price to be used in determining the Class I price shall be the price for Class II milk computed pursuant to § 973.54 for the preceding delivery period or that computed from the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture.

#### Companies and Locations

Borden Company, Mount Pleasant, Mich.  
Carnation Company, Sparta, Mich.  
Pet Milk Company, Hudson, Mich.  
Pet Milk Company, Wayland, Mich.  
Pet Milk Company, Coopersville, Mich.  
Borden Company, Orfordville, Wis.  
Borden Company, New London, Wis.  
Carnation Company, Richland Center, Wis.  
Carnation Company, Oconomowoc, Wis.  
Pet Milk Company, New Glarus, Wis.  
Pet Milk Company, Belleville, Wis.  
White House Milk Company, Manitowoc, Wis.  
White House Milk Company, West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) per pound of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the preceding delivery period; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding delivery period or the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Supply and demand ratio.* On or before the 5th day of each delivery period the market administrator

shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the total receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the total pounds of milk actually disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk, but converting cream to its 3.5 percent milk equivalent) during the same two delivery periods; and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio"

§ 973.53 *Class I price.* Subject to the differentials provided in §§ 973.55 and 973.56 (a), the price for Class I milk shall be the basic price computed pursuant to § 973.51, plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June, plus \$1.10 for July through November, and plus 80 cents for December: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 2 cents for each 2 full percentage points that the current supply-demand ratio is above or below that set forth in the table, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio:

Delivery periods used in computing current supply-demand ratio	Percentage	Delivery period to which applicable
January-February.....	64	April
February-March.....	62	May
March-April.....	62	June
April-May.....	61	July
May-June.....	61	August
June-July.....	70	September
July-August.....	83	October
August-September.....	97	November
September-October.....	97	December
October-November.....	91	January
November-December.....	82	February
December-January.....	71	March

§ 973.54 *Class II price.* Subject to differential computed pursuant to § 973.56 (b) the price for Class II milk shall be that computed by the market administrator as follows: (a) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (b) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding period through the 25th day of the current delivery period; (c) add into one sum the amounts obtained in paragraphs (a) and (b) of this section; and (d) subtract 75.2 cents therefrom.

§ 973.55 *Location differential to handlers.* (a) With respect to producer milk purchased or received at a pool plant and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

#### Location of Plant and Amount of Deduction

	Cents
0 to 15 miles.....	0
15 to 20 miles.....	8
20 to 30 miles.....	10
30 to 40 miles.....	12
40 to 50 miles.....	14
50 to 60 miles.....	15
60 to 70 miles.....	16
70 miles or over.....	17

\*Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.56 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.53 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average wholesale price per pound of Grade AA (93-score) butter at New York as reported by the Department of Agriculture for the preceding delivery period add 25 percent during the delivery periods of December through June, and 35 percent during the remaining delivery periods, and divide the resulting sum by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.54 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of Grade AA (93-score) butter at New York as reported by the Department of Agriculture for the delivery period add 21.14 percent and divide the sum obtained by 10.

§ 973.57 *Emergency price provisions.* Whenever the provisions of this order require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

## APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 to 973.45, 973.50 to 973.57, 973.62 to 973.64, 973.70 to 973.73, 973.75 to 973.77, 973.80 to 973.88, and 973.90 to 973.92 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.10, as of the effective date of this part, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date of this part in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

§ 973.62 *Handlers subject to other Federal orders.* In the case of a handler whose plant is fully regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except that such handler, with respect to his total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require, and shall allow the market administrator to verify such reports in accordance with § 973.33.

§ 973.63 *Other source milk diverted by a cooperative association.* Other source milk caused by a cooperative association to be delivered to a pool plant for its account from a nonpool plant shall be considered to have been first received by such cooperative association.

§ 973.64 *Payment for overage.* In computing the value of the milk of any handler (including a handler whose sole source of supply is other pool plants) if any skim milk has been subtracted pursuant to § 973.45, or if any butterfat has been similarly subtracted, the market administrator shall add an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

## DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk received from producers.* (a) The value of the milk received by each handler from producers at his pool plant(s) shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices, adding together the resulting amounts, and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Any amount computed pursuant to § 973.64.

(2) If any skim milk or butterfat received in other source milk, except other

source milk which is classified and priced under another marketing order issued pursuant to the act, has been allocated to Class I pursuant to § 973.45 in any delivery period when total receipts of producer milk at all pool plants exceed 105 percent of Class I sales, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and at the Class II price.

(b) In the case of a handler who operates a nonpool plant from which Class I milk has been disposed of in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of skim milk or butterfat disposed of as Class I milk in the marketing area by the difference between the applicable Class I price and the Class II price in any delivery period when total receipts of producer milk at all pool plants exceed 105 percent of Class I sales.

§ 973.71 *Computation of uniform price.* For each of the delivery periods of July through December, the market administrator shall compute a uniform price, per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 973.70 for all handlers who filed reports pursuant to § 973.30, and who made the payments required pursuant to §§ 973.80, and 973.83 for the preceding delivery period;

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 973.82;

(d) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by the handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 973.72 *Computation of price for base milk.* For each of the delivery periods of January through June, the market administrator shall compute a price per hundredweight for base milk received from producers as follows:

(a) Make the same computations required pursuant to § 973.71 (a), (b) (c), and (d),

(b) Subtract an amount computed by multiplying the pounds of excess milk included in these computations by an

amount equal to the Class II price plus 8 cents;

(c) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by the handlers. The result shall be known as the "price for base milk" of 3.5 percent butterfat content.

§ 973.73 *Notification of handlers.* On or before the 14th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 973.45 and 973.70, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 973.71 or the price for base milk computed pursuant to § 973.72, whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by each handler pursuant to §§ 973.80, 973.84, 973.90 and 973.91.

## BASE RULES

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk during the delivery periods of August, September, and October shall have a base computed by the market administrator, to be applicable during the following January through June, equal to the total pounds of milk delivered in the 3-month period divided by the number of days, not less than 78, from the date of first delivery to the end of such 3-month period: *Provided*, That for any portion of the period of August through October, 1955, that this subpart is not in effect, a producer may either submit evidence of delivery, in form satisfactory to the market administrator, or take the status of a new producer pursuant to paragraph (b) of this section:

(b) Any new producer shall have a base computed by dividing the quantity of milk delivered during the first full month in which such producer delivers milk by the number of days in such month and multiplying the result by the following factors:

November.....	0.75
December or January.....	.65
February, March, April, May, or June..	.55

§ 973.76 *Establishing a new base.* A producer with a base, upon notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 973.75 (b) once during the period of November through June, the period for establishing such new base to begin the first day of the month following receipt of such notice by the market administrator.

§ 973.77 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period.

(b) The base of a producer may be moved from one handler to another and

may be transferred from such producer to another producer.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To a cooperative association, on or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received at not less than the applicable class prices for all skim milk and butterfat received from such cooperative association or caused by it to be delivered to such handler directly from producers' farms.

(b) To each producer, on or before the 20th day after the end of the delivery period in which the milk was received, for milk not caused to be delivered to such handler by a cooperative association: (1) During the months of July through December, at not less than the uniform price computed pursuant to § 973.71, subject to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and (2) during the months of January through June, at not less than the price for base milk computed pursuant to § 973.72, for all milk received from such producer not in excess of his base, and at not less than the price for Class II milk plus 8 cents for all excess milk received from such producer, subject in both cases to the butterfat and location differentials set forth in §§ 973.81 and 973.82.

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 973.80 (b) shall add to the applicable price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, not less than, and shall deduct for each one-tenth of one percent that such average butterfat is below 3.5 percent, not more than an amount equal to the weighted average value of the butterfat in producer milk allocated to each class pursuant to § 973.45.

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (b) for milk received from producers at a pool plant, each handler shall deduct from the applicable price payable to such producer the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles.....	0
15 to 20 miles.....	8
20 to 30 miles.....	10
30 to 40 miles.....	12
40 to 50 miles.....	14
50 to 60 miles.....	15
60 to 70 miles.....	16
70 miles or over.....	17

\* Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 973.84 and 973.86 and out of which he shall make all payments to handlers pursuant to §§ 973.85 and 973.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 973.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period (a) each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount, if any, by which the total value computed for him pursuant to § 973.70 for such delivery period is greater than the sum required to be paid by such handler pursuant to § 973.80 (b) (b) each handler who receives his entire supply of milk from pool plants shall pay to the market administrator the amount, if any, computed for him pursuant to § 973.64; and (c) each handler who operates a nonpool plant shall pay to the market administrator the amount computed for him pursuant to § 973.70.

§ 973.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 973.80 (b) is less than the total computed for him pursuant to § 973.70.

§ 973.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 973.84 and 973.85, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

§ 973.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or to a cooperative association, discloses payment of less than is required by § 973.80, the handler shall make up such payment to such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 973.88 *Statement to producers.* In making payment to producers as required by § 973.80, each handler shall furnish each producer from whom he received milk, with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk delivered by the producer, and for the delivery periods of January through June, the pounds of base milk and the pounds of excess milk;

(c) The minimum rate or rates at which payment to the producer is required pursuant to § 973.80 (a)

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler who operates a pool plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 1.5 cents per hundredweight or such amount not exceeding 1.5 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own farm production, and (b) other source milk which is classified as Class I milk, and each handler who operates a nonpool plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 973.91 *Marketing services.*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section—each handler in making payments to producers (other than himself) pursuant to § 973.80 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an

obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;  
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and  
(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.93 *Agents.* The Secretary may, by designation in writing, name any offi-

cer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

#### EFFECTIVE TIME, SUSPENSION, AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual of ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate shall:

(a) Continue in such capacity until discharged by the Secretary.

(b) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Filed at Washington, D. C., this 14th day of October 1955.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator

[F. R. Doc. 55-8505; Filed, Oct. 19, 1955; 8:52 a. m.]

### Commodity Stabilization Service

#### [ 7 CFR Parts 723, 725, 726, 727 ]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO; MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR 1956-57 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for burley tobacco, cigar-filler tobacco, Maryland tobacco, and Virginia sun-cured tobacco, for the three marketing years beginning October 1, 1956; proclaim the amount of the national marketing quota for each such kind of tobacco, and for cigar-filler and binder tobacco, fire-cured tobacco, and dark air-cured tobacco for the 1956-57 marketing year; apportion the national marketing quotas for such kinds of tobacco for the 1956-57 marketing year among the several States; and convert the State marketing quotas into State acreage allotments. The Secretary is also preparing to apportion among the several States the national marketing quota for flue-cured tobacco for the 1956-57 marketing year which was proclaimed on July 1, 1955 (20 F. R. 4787) and convert the respective State marketing quotas for flue-cured tobacco into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary shall, not later than December 1 of any marketing year, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco (a) that such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect or (b) that a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers in a referendum. Certain other conditions and provisions are included in the act stating the circumstances under which the Secretary is required to proclaim a national marketing quota, but such conditions and provisions do not affect the circumstances under which the Secretary is required to proclaim national marketing quotas as outlined above for the 1956-57 marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this

title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37;

Burley tobacco, comprising type 31;

Maryland tobacco, comprising type 32;

Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;

Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

The act (7 U. S. C. 1312 (b)) provides that the Secretary shall also determine and announce, prior to the first day of December, the amount of the national marketing quota which is in effect for the 1956-57 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of

tobacco equal to the reserve supply level. The act provides further that the amount of the 1956-57 national marketing quota may, not later than March 1, 1956, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (c)) requires that within 30 days after a national marketing quota is proclaimed for the 1956-57, 1957-58, and 1958-59 marketing years for cigar-filler tobacco, burley tobacco, Virginia sun-cured tobacco, and Maryland tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1955 crop of each of such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect but such results shall in no wise affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the act, of a national marketing quota. A separate referendum will be held for each of such kinds of tobacco and the results of any referendum will not affect the results of any other referendum.

Cigar-filler and binder, flue-cured, fire-cured and dark air-cured tobacco growers favored marketing quotas for the 1956-57 marketing year in referenda held pursuant to the act as follows: Cigar-filler and binder tobacco—18 F. R. 8474; flue-cured tobacco—20 F. R. 6543; fire-cured tobacco—20 F. R. 809; and dark air-cured tobacco—20 F. R. 809.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national

marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms) among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 14th day of October 1955.

[SEAL]

WALTER C. BERGER,  
Acting Administrator.

[F. R. Doc. 55-8503; Filed, Oct. 19, 1955;  
8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS,  
SECURITIES ACT OF 1933

NOTICE OF HEARING ON PROPOSED REVISION  
AND CONSOLIDATION OF REGULATION A AND  
REGULATION D

On July 19, 1955, the Securities and Exchange Commission announced (in Securities Act Release No. 3555) that it had under consideration a proposed revision of its Regulation A and the consolidation with that regulation of Regulation D. The purpose of the proposed revision is, among other things, to provide a single integrated exemptive regulation for both domestic and Canadian securities and to add certain special provisions for companies in the promotional or development stage so as to provide added protection for investors.

The Commission has received requests from various persons and organizations that a public hearing be held on the proposed revision, and the Commission is of the opinion that such a hearing would be appropriate in the public interest and for the protection of investors. Accordingly, notice is hereby given that a public hearing in the matter will be

held in Room 102 at the Commission's offices, 425 Second Street NW., Washington, D. C., on Tuesday, November 15, 1955, at 10:00 a. m.

Any person interested in presenting his views at the public hearing should, not later than 5:30 p. m. on November 7, 1955, submit to the Commission in writing a statement of his intention to appear at the hearing, together with a written statement of his views (which may be made by reference to written statements previously filed) and should limit his request for time to make oral presentations so as to provide an opportunity for all interested persons to be heard.

Those persons who have submitted written views and comments need not feel obliged to attend the hearing in person, for all written submissions will be made part of the record considered by the Commission in determining whether the proposed revision and consolidation should be adopted. The Commission also will consider any testimony before the Commerce and Finance Subcommittee of the House Committee on Interstate and Foreign Commerce incident to its consideration of H. R. 5701 to repeal section 3 (b) of the Securities Act of 1933, which may have been given

prior to final action upon this proposal; and persons who have testified at that hearing prior to November 15th need not undertake to repeat their testimony before the Commission.

Requests to be heard should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

OCTOBER 12, 1955.

[F. R. Doc. 55-8493; Filed, Oct. 19, 1955;  
8:49 a. m.]

## NOTICES

### DEPARTMENT OF COMMERCE

#### Office of the Secretary

[Department Order 160 (Amended)]

#### NATIONAL CIVIL DEFENSE PROGRAM ASSISTANCE

##### REDELEGATIONS OF AUTHORITY

The material appearing in 20 F. R. 1227 is superseded by the following:

**SECTION 1. Purpose.** The purpose of this order is to redelegate authority to perform certain functions in connection with the Department's responsibility for assisting the Federal Civil Defense Administration in the development of the national civil defense program.

**Sec. 2. General.** .01 The provisions of Section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248) authorize the Administrator of the Federal Civil Defense Administration to delegate, with the approval of the President, appropriate civil defense responsibilities to the several departments and agencies of the Federal Government.

.02 Under Federal Civil Defense Administration Delegation No. 2 of September 8, 1954, and Federal Civil Defense Administration Delegation No. 3 of August 13, 1955, the Secretary of Commerce has been delegated certain authorities and responsibilities in furtherance of the national civil defense program.

**Sec. 3. Redlegation of authority.** .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, authority is hereby redelegated to the heads of the following primary organization units to perform the functions indicated:

##### 1. The Bureau of Public Roads to—

(1) Provide advice and guidance to State highway departments in the designation of State civil defense emergency highway routes;

(2) Coordinate interstate and State designated civil defense highway systems to assure uniformity of designation for civil defense emergency purposes;

(3) Plan a national program, develop technical guidance for States, and direct Federal activities concerning emergency clearance and restoration of highways,

streets, and bridges in damaged areas; and

(4) Provide technical guidance to States concerning highway traffic control problems which may be created during a civil defense emergency.

(5) Determine and evaluate, with the cooperation of the States, counties, and cities, and assist in the planning of the needs for highway improvements to meet civil-defense requirements.

2. The Office of Area Development, Business and Defense Services Administration, to provide data and assist the States in conducting analyses of potential target areas.

##### 3. The Bureau of the Census to—

(1) Collect and process data required by the Office of Area Development, Business and Defense Services Administration, in accomplishing the assignment indicated in subsection 2 above; and

(2) Provide basic statistics and maps essential to the completion of Federal, State, and local civil defense plans.

##### 4. The Weather Bureau to—

(1) Prepare analysis of past data, conduct research, and develop techniques and capabilities leading to improved forecasts of radiological fall-out patterns.

(2) Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by fall-out as a result of enemy attack. Such information is to be made available to Federal, State, and local civil defense authorities for public information.

5. The Bureau of Public Roads, the Office of Area Development, Business and Defense Services Administration, the Bureau of the Census, and the Weather Bureau—

(1) During a civil defense emergency, whenever needed to carry out the responsibilities as indicated hereunder and subject to such regulations, requirements, and conditions as may be approved by the Office of Personnel Management, to employ additional personnel on a temporary basis without regard to the civil service laws and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack; and

(2) To disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.

.02 The authority delegated herein may be redelegated to such officers or employees as the heads of these primary organization units may designate. The names of officers or employees to whom such authority is delegated shall be reported to the Emergency Planning Coordinator of the Department, and when personnel authority is involved, to the Office of Personnel Management.

.03 The heads of the primary organization units designated herein are hereby authorized to execute, with the approval of the Emergency Planning Coordinator, "Memorandums of Understanding" with the Federal Civil Defense Administration outlining their respective responsibilities in civil defense or natural disaster emergency.

**Sec. 4. Conditions and limitations.** In carrying out their responsibilities hereunder, the heads of the primary organization units and their delegates shall be governed by the following:

1. The Federal Civil Defense Administrator shall provide general assumptions and program guidance relating to the said responsibilities and shall review and coordinate the carrying out of such responsibilities.

2. The designated officials shall take into consideration, and shall coordinate their responsibilities hereunder with, assignments respecting mobilization preparedness measures made to them by the Office of Defense Mobilization.

3. The Emergency Planning Coordinator shall coordinate the responsibilities assigned herein with other Federal agencies concerned, with the advice and consent of the Federal Civil Defense Administration.

4. Each of the designated officials shall be responsible for submitting to the Federal Civil Defense Administration through regular departmental channels, including the Emergency Planning Coordinator, requests for such appropriations as may be required to implement his delegated responsibilities.

5. The Emergency Planning Coordinator shall make such reports as may be required by the Federal Civil Defense

Administrator to insure consistency with national civil defense policies and standards.

Effective date: September 30, 1955.

[SEAL] **SINCLAIR WEEKS,**  
*Secretary of Commerce.*

[F. R. Doc. 55-8494; Filed, Oct. 19, 1955;  
8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 70]

#### ARIZONA

#### SMALL TRACT CLASSIFICATION NO. 45

OCTOBER 13, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15) the following described lands totalling approximately 267 acres in Maricopa County are hereby classified as suitable for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

#### GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 3 E.,

Section 22:  $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$  lots 12 to 23 inclusive;  $NE\frac{1}{4}NW\frac{1}{4}$  exclusive of patented Mineral Survey Nos. 4321 and 4367;  $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$  and  $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$  exclusive of patented Mineral Survey Nos. 4321 and 4367. That part of  $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$  included in Cactus Mineral Location Segregation Survey. All the area included in the Corona Mineral Location Segregation Survey.

Section 27:  $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284) as amended.

4. All valid applications filed prior to 3:32 p. m. July 26, 1946, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a)

**E. R. TRAGITT,**  
*State Lands and Minerals*  
*Staff Officer*

[F. R. Doc. 55-8486; Filed, Oct. 19, 1955;  
8:47 a. m.]

#### NEW MEXICO

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 12, 1955.

An application, serial number New Mexico 016398, for the withdrawal from

No. 205—4

all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, of the lands described below was filed on September 24, 1954, by the Department of the Navy. The purposes of the proposed withdrawal: Aircraft vulnerability and war-head design studies.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 W.,

Sec. 20,  $N\frac{1}{2}$ ,

Sec. 21,  $NW\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ .

The areas described contain 560 acres.

**E. R. SMITH,**  
*State Supervisor.*

[F. R. Doc. 55-8487; Filed, Oct. 19, 1955;  
8:47 a. m.]

[Doc. 8—California State Office]

#### CALIFORNIA

#### ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 12, 1955.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

#### MOUNT DIABLO MERIDIAN

T. 25 S., R. 35 E.,

Sec. 34,  $SE\frac{1}{4}SE\frac{1}{4}$ ;

Sec. 35,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ .

T. 25 S., R. 36 E.,

Sec. 24,  $NW\frac{1}{4}SW\frac{1}{4}$ .

Sec. 25,  $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ .

T. 26 S., R. 33 E.,

Sec. 21,  $N\frac{1}{2}NE\frac{1}{4}$ .

T. 26 S., R. 35 E.,

Sec. 4, Lot 1,  $SW\frac{1}{4}NE\frac{1}{4}$ .

T. 27 S., R. 35 E.,

Sec. 27,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ .

Sec. 34,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ .

T. 30 S., R. 37 E.,

Sec. 16,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ .

The areas described aggregate 740 acres.

2. The lands affected by this order are rough, semiarid, and lack sufficient water supply to be suitable for farming.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph one hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended) presented prior to 10:00 a. m. on November 17, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed at that hour and before 10:00 a. m. on February 16, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on February 16, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on February 16, 1956.

Persons claiming veteran's preference under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Inquiries concerning these lands and applications shall be addressed to the Manager, Land Office, in Los Angeles, 1512 Post Office Building.

R. R. BEST,  
State Supervisor

[F. R. Doc. 55-8488; Filed, Oct. 19, 1955;  
8:48 a. m.]

[Doc. 9—California State Office]

# CALIFORNIA

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 12, 1955.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476) it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300) is hereby revoked so far as it affects the following described lands:

### MOUNT DIABLO MERIDIAN

- T. 25 S., R. 35 E.,  
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 25 S., R. 36 E.,  
Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$   
NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 26 S., R. 35 E.,  
Sec. 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 440 acres.

This revocation is made in furtherance of an exchange under Section 8 of the act of June 28, 1934, as amended by section 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal Land program. This restoration is, therefore, not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1512 Post Office Building, Los Angeles, California.

R. R. BEST,  
State Supervisor

[F. R. Doc. 55-8489; Filed, Oct. 19, 1955;  
8:48 a. m.]

[61193]

# WISCONSIN

## NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 14, 1955.

1. A plat of survey of the omitted lands described below will be officially

filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m. on November 16, 1955:

### FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 39 N., R. 11 E.,  
Sec. 31, Lots 10, 11, 12, 13 and 14.

The area described aggregates 99.96 acres.

Lot 11 sec. 31 has been subdivided as follows: Lots 11-A, 11-B, 11-C, 11-D, 11-E, 11-F 11-G, 11-H, 11-J and 11-K.

2. Available information indicates that the lands opposite Planting Ground Lake are mostly high rolling upland, reaching approximately 60 feet above the water level of the lake. The soil is a sandy loam, with some gravel and stone. The swamp areas are scattered and comprise approximately 11 percent of the total area. The lands opposite Range Lane Lake are mostly high rolling and gently rolling upland, with two areas of level swampland which comprise approximately 16 percent of the total area. The upland reaches approximately 40 feet above the water level of the lake and the soil is a sandy loam with some gravel and stone.

3. The above-described lands are hereby opened to disposal only under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994) and the Act of August 24, 1954 (68 Stat. 789). Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from November 16, 1955. Applications for public lands under the 1954 act, supra, must be filed within one year from November 16, 1955. No patents will be issued for the above-described lands prior to November 17, 1956.

4. Any of the above-described lands not patented under the acts of 1925 and 1954, supra, shall not become subject to disposition under the general public land laws until it is so provided by an appropriate order.

5. Inquiries concerning the above-described lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,  
Acting Manager

[F. R. Doc. 55-8490; Filed, Oct. 19, 1955;  
8:48 a. m.]

# WASHINGTON

## NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

OCTOBER 12, 1955.

In Federal Register Document 55-8028 (20 F. R. 7400) dated October 5, 1955, description of the lands in Section 17 is corrected as follows: Section 17 now reading NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , should read Section 17, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .

ROBERT B. OFFICER,  
State Supervisor

[F. R. Doc. 55-8485; Filed, Oct. 19, 1955;  
8:47 a. m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

Anderson Bros. Consolidated Co. Inc., Floyd and High Streets, Danville, Va., effective 10-5-55 to 10-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (coveralls, work pants, work shirts, etc.).

Ann Lee Frocks, 108-112 South Main Street, Pittston, Pa., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Appomattox Garment Co., Inc., Appomattox, Va., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Appomattox Garment Co., Inc., 1400 Thurman Avenue, Lynchburg, Va., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Blue Bell, Inc., Fulton, Miss., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and pants).

Cookeville Shirt Co., 106 Walnut Street, Cookeville, Tenn., effective 10-10-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

David Manufacturing Co., 119 Berwick Street, Beaver Meadows, Pa., effective 10-5-55 to 10-4-56; 10 learners for normal labor turnover purposes (children's bath robes).

Elk Brand Manufacturing Co., Hopkinsville, Ky., effective 10-7-55 to 10-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, shirts and overalls).

Gallatin Manufacturing Co., Inc., Gallatin, Tenn., effective 10-7-55 to 2-29-56; 75 learners for plant expansion purposes (men's shirts).

Hammond Garment Manufacturing Co., Inc., Hammond, La., effective 10-6-55 to 10-5-56; 10 learners for normal labor turnover purposes (sport shirts).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 10-17-55 to

10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

The Kaynee Co., Williamsburg, Ky., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts and sport shirts).

Miller Westernwear, Inc., Walnut Street, Baxley, Ga., effective 9-22-55 to 2-29-56; 40 learners for plant expansion purposes (Replacement Certificate) (boys' Western type shirts).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn., effective 10-8-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton twill pants and shirts).

Rice Stix Factory No. 17, Houston, Miss., effective 10-9-55 to 10-8-56; 5 learners for normal labor turnover purposes in the production of pajamas (men's and boys' pajamas).

Rice Stix Factory No. 25, Farmington, Mo., effective 10-7-55 to 2-29-56; 25 learners for plant expansion purposes (women's and girls' outer shorts and slacks).

Sylvania Garment Co., Inc., Savannah Road, Sylvania, Ga., effective 10-15-55 to 10-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Troutman Shirt Co., Inc., Troutman, N. C., effective 10-10-55 to 10-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts, sport shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Athco, Inc., Athens, Ala., effective 10-21-55 to 10-20-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Knitters Co., 19 East Magnolia Street, Hazelton, Pa., effective 10-21-55 to 10-20-56; 5 learners for normal labor turnover purposes (infants' and children's knitted outerwear).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C., effective 10-7-55 to 10-6-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips, panties, pajamas).

Rice Stix Factory No. 17, Houston, Miss., effective 10-9-55 to 10-8-56; 5 percent of the total number of workers engaged in the production of shorts for normal labor turnover purposes (men's and boys' shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

The Carborundum Co. of Puerto Rico, Km. 187, Mayaguez, P. R., effective 9-21-55 to 3-20-56; 23 persons authorized to be employed as learners in any one work day in the occupations of Assembly and Inspection; each for 240 hours at 50 cents an hour, and 240 hours at 60 cent an hour (kovar seals).

Senorita Hosiery Mills, Inc., Gurabo, P. R., effective 9-20-55 to 9-19-56; 6 persons authorized to be employed as learners in any

one work day in the occupations hereinafter listed: Knitting, seaming, and mending each for 320 hours at 35 cents an hour; 320 hours at 40 cents an hour, and 320 hours at 45 cents an hour. Examining, 240 hours at 37½ cents an hour and 240 hours at 45 cents an hour. (Full fashioned hosiery.)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of October 1955.

MILTON BROOKE,  
Authorized Representative of the  
Administrator.

[F. R. Doc. 55-8491; Filed, Oct. 19, 1955;  
8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7178]

CENTRAL AIRLINES, INC., PERMANENT  
CERTIFICATION CASE  
NOTICE OF HEARING

In the matter of the application of Central Airlines, Inc. under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 81.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 2, 1955, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Sixteenth Street and Constitution Avenue N. W., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., October 14, 1955.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 55-8504; Filed, Oct. 19, 1955;  
8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9033]

UNITED FUEL GAS CO. AND ATLANTIC  
SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

OCTOBER 14, 1955.

Take notice that United Fuel Gas Company and Atlantic Seaboard Corporation (Applicants), West Virginia and Delaware corporations, respectively, having their principal place of business in Charleston, West Virginia, filed on June 28, 1955, a joint application for permis-

sion to abandon service and for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

United Fuel Gas Company seeks authority under section 7 (b) of the Natural Gas Act to abandon its Storage Pool X-56 and its related transmission line X-56-M-1 in Upchur County, West Virginia, through sale to Atlantic Seaboard Corporation. Atlantic Seaboard Corporation seeks authority to acquire the facilities United Fuel Gas Company proposes to abandon.

The estimated cost of the facilities to be acquired is \$1,073,547 adjusted from April 30, 1955, to be financed through the issuance of notes and common stock to its parent, Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-8492; Filed, Oct. 19, 1955;  
8:49 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR  
RELIEF

OCTOBER 17, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

## NOTICES

## LONG-AND-SHORT HAUL

FSA No. 31195: *Sulphuric acid—Baton Rouge and North Baton Rouge, La., to Starke, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Starke, Fla.

Grounds for relief: Circuitous route. Tariff: Supplement 97 to Agent Spaninger's I. C. C. 1357.

FSA No. 31196: *Petroleum and products from Roseport, Minn.* Filed jointly by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Great Northern Railway Company, Northern Pacific Railway Company and Minneapolis, St. Paul & Sault Ste. Marie Railroad Company. Rates on petroleum and petroleum products, carloads from Roseport, Minn., to stations in Iowa, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin to which rates are in effect on like property from St. Paul, Minn.

Grounds for relief: Origin rate relations, market competition and circuitry.

FSA No. 31197: *Sulphuric acid—Baton Rouge and North Baton Rouge, La., to Florida points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Hialeah and Miami, Fla.

Grounds for relief: Circuitous routes. Tariff: Supplement 97 to Agent Spaninger's I. C. C. 1357.

FSA No. 31198: *Cement—Roberta, Ala., to Columbus, Ga.* Filed by the Southern Railway Company for itself. Rates on cement and related articles, carloads from Roberta, Ala., to Columbus, Ga.

Grounds for relief: Circuitous route. Tariff: Supplement 41 to Agent Spaninger's I. C. C. 1447.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-8495; Filed, Oct. 19, 1955;  
8:50 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

WERF CONRAD EN STORK HIJSCH N. V.

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Werf Conrad en Stork Hjsch N. V., Haarlem, Holland, Claim No. 42695; property described in Vesting Order No. 671 (8 F. R.

5004, April 17, 1943), relating to United States Letters Patent No. 2,202,446.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-8497; Filed, Oct. 19, 1955;  
8:50 a. m.]

## ADOLF NUSSBAUM

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Adolf Nussbaum, Bonn Rhine, Germany, Claim No. 63027, Vesting Order No. 18700; \$113.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-8498; Filed, Oct. 19, 1955;  
8:50 a. m.]

## JOHANN WEDERITSCH ET AL.

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimants, Claim Nos., Property, and Location*

Johann Wederitsch, also known as Wederitsch, Caroline Bauer, nee Wederitsch (Wederitsch), Josephine Deutsch, nee Wederitsch (Wederitsch). All of Welgersdorf, Burgenland, Austria; Claims Nos. 42602; 42603; 42604, Vesting Order No. 7723; To each claimant \$281.34 in the Treasury of the United States.

Executed at Washington, D. C. on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-8499; Filed, Oct. 19, 1955;  
8:50 a. m.]

## ANTONETTA BUONIELLO

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Antonetta Buoniello, Salerno, Italy, Claim No. 63144; \$294.37 in the Treasury of the United States. Pietro Buoniello, Salerno, Italy, Claim No. 63145; \$294.37 in the Treasury of the United States. Maria Buoniello, Salerno, Italy, Claim No. 63146; \$294.37 in the Treasury of the United States. Melina Buoniello, a/k/a Maria Carmela Buoniello, Salerno, Italy, Claim No. 63147; \$294.37 in the Treasury of the United States.

Vesting Order No. 1196.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-8501; Filed, Oct. 19, 1955;  
8:51 a. m.]

## OTTO WACHTEL

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Otto Wachtel, Elwood, S. 3 Victoria, Australia, Claim No. 63070, Vesting Order No. 958; \$151.64 in the Treasury of the United States. All right, title, interest, and claim of any kind or character of Otto Wachtel, in and to a Trust created under the will of Simon Wachtel, deceased. Such property is in the process of administration by the Colorado National Bank, Trustee, acting under the judicial supervision of the County Court, City and County of Denver, Denver, Colorado.

Executed at Washington, D. C., on October 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 55-8502; Filed, Oct. 19, 1955;  
8:51 a. m.]